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**US vs. ALLIEDSIGNAL Michael Robert McAllister (Vol.3) 4/25/96**

**(800) HOT-DEPO**

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CONDENSED TRANSCRIPT AND CONCORDANCE  
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## Page 135

IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA. )  
 )  
Plaintiff. )  
 )  
vs. ) CIV. NO. 93-6490 MRP (Tx)  
 ) (Consolidated Actions)  
ALLIEDSIGNAL, INC., et al., )  
 )  
Defendants. )  
 )  
 )  
STATE OF CALIFORNIA, on behalf )  
of the State Department of Toxic )  
Substances Control. )  
 )  
Plaintiff. )  
 )  
vs. )  
 )  
ALLIEDSIGNAL, INC., et al., )  
 )  
Defendants. )  
 )

DEPOSITION OF MICHAEL ROBERT MCALLISTER  
(Volume III)

Taken on Thursday, April 25, 1996, at 1:40 p.m.

Location: 624 South Grand, Suite 1900  
Los Angeles, California  
Reporter: Jodi Hale, CSR, RPR  
Certificate Number 8638

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Deposition of Michael Robert McAllister, Volume III,  
taken before Jodi Hale, a Certified Shorthand Reporter for  
the State of California, with principal office in the  
County of Orange, commencing at 1:40 p.m., Thursday, April  
25, 1996, at the law offices of Anderson, McPharlin and  
Conners, 350 South Grand, Suite 1900, Los Angeles,  
California.

## APPEARANCES OF COUNSEL:

For Plaintiff United States of America:  
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Assistant Regional Counsel

UNITED STATES DEPARTMENT OF JUSTICE  
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BY: DAVID B. GLAZER, ESQ. (not present)

For Plaintiff The State of California, on behalf of  
the State Department of Toxic Substances Control:  
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BY: ANN RUSHTON, ESQ.

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## APPEARANCES OF COUNSEL: (Continued)

For Defendant LOS ANGELES BY-PRODUCTS CO.:  
GREENWALD, HOFFMAN & MEYER  
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Glendale, California 91203  
(818) 507-8100  
BY: RAUL M. MONTES, ESQ.

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1 LOS ANGELES, CALIFORNIA - THURSDAY, APRIL 25, 1996  
2 \* \* \*  
3 MICHAEL R. MCALLISTER,  
4 called as a witness, and having been previously duly  
5 sworn by the Certified Shorthand Reporter, was examined  
and  
6 testified as follows:  
7 EXAMINATION  
8 BY MS. RONGONE: Q. Mr. McAllister, we met this  
9 morning. I am Marie Rongone. I represent the United  
10 States Environmental Protection Agency in this matter, and  
11 this is the continuation of your deposition begun, I  
12 believe it was April 15th, with David Glazer of the  
13 Department of Justice doing the questioning.  
14 I would just like to ask you whether there is  
15 any reason, physical reason why you would not be able to  
16 give your best testimony today, such as medication? Have  
17 you taken anything along those lines?  
18 A. No, nothing.  
19 Q. Okay. And I will remind you, I am sure you  
20 are still aware you are still under oath?  
21 A. Yes.  
22 Q. Okay. Have you spoken to anyone other than  
23 your attorneys about your deposition?  
24 A. No.  
25 Q. Have you spoken to anyone other than your

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1 attorneys about the testimony you gave last time?  
2 A. No.  
3 Q. Have you reviewed any documents pertinent to  
4 preparing or refreshing for your deposition before last  
5 time and this time?  
6 A. No.  
7 Q. Have you reviewed your deposition transcript?  
8 A. No.  
9 Q. Even though you haven't reviewed it, is there  
10 anything that came to mind later that you felt you would  
11 correct?  
12 A. I haven't seen a transcript.  
13 Q. Okay. I understand that. I understand that.  
14 I asked you if you had seen it and you said no, but I was  
15 also asking whether, even though you hadn't seen it, you  
16 had been thinking about and it had occurred to you there  
17 was any answer you would wish to change?  
18 A. I haven't really thought about it.  
19 Q. Okay. Last thing you want to think about if  
20 you can avoid it, I can imagine.  
21 I have a few things I would like to follow-up  
22 on from that. At one point, specifically on page 8, you  
23 referred to the -  
24 A. You are referring to a page. I have no idea  
25 what you are referring to.

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1 Q. Right. Well, if we need to we can look at it.  
2 I wanted to direct your attention to something you said and  
3 I was going to ask you a question.  
4 A. Oh, okay.  
5 Q. You referred to 1819 East 25th Street as a  
6 factory location. I was wondering what kind of factory  
7 operation has occurred -  
8 A. Did I say factory or recycling?  
9 Q. In the transcript it says "factory," but again  
10 I am only asking the question.  
11 A. Be strictly it's a recycling center.  
12 Q. So that's what you meant by factory location?  
13 A. If I said factory, that is incorrect. It is  
14 recycling.  
15 Q. I believe you did describe the recycling  
16 center operations last time so I won't take you through  
17 that again.  
18 You were asked at one point to name all of the  
19 landfills that Los Angeles By-Products had operated in the  
20 valley and you named a number. One you did not mention  
was  
21 the DeGarmo Landfill.  
22 Did Los Angeles By-Products in fact operate  
23 the DeGarmo Landfill?  
24 A. I believe you are talking about DeGarmo.  
25 Q. DeGarmo.

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1 A. To my knowledge it was not a landfill. We had  
2 a processing station there, recycling.  
3 Q. Was that a similar recycling operation to the  
4 one at 1819 East 25th Street?  
5 A. I don't know.  
6 Q. You do know that it was a recycling station?  
7 A. It was some type of a recycling facility.  
8 What they actually did there, I don't know.  
9 Q. Did you ever visit that facility?  
10 A. No.  
11 Q. Was it in fact operated by Los Angeles  
12 By-Products?  
13 A. The recycling portion, yes.  
14 Q. Was there another portion?  
15 A. I don't know.  
16 Q. The reason I ask is because you said the  
17 recycling portion. It sounded as if there was another  
18 portion that you had in mind.  
19 A. It's because I don't know.  
20 Q. So DeGarmo is not the same as Victory  
21 Vineland?  
22 A. No, no. Thinking about the term plant, we  
23 used to refer to it as a plant at 1819. Did I say factory  
24 or plant? Sometimes we said plant, we would refer to it  
as  
25 a plant.

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- 1 Q. Okay. It was -  
 2 A. Just talking words here.  
 3 Q. It was just in the transcript and made me  
 4 curious, and I apologize. I just did what we always tell  
 5 witnesses not to do, which is to interrupt and talk over  
 6 the other person. We have to be especially careful because  
 7 she can't take down two people at once.  
 8 Where is John Mitchell today?  
 9 A. I believe he is in the hospital.  
 10 Q. Sorry to hear that. Is it a short-term thing  
 11 or is he very ill?  
 12 A. It would be very short term, I would hope.  
 13 Q. Does he reside locally?  
 14 A. Locally meaning what?  
 15 Q. In southern California.  
 16 A. Yes.  
 17 Q. Do you know his address?  
 18 A. No.  
 19 Q. Do you know what town he lives in?  
 20 A. Yes.  
 21 Q. Could you say?  
 22 A. Yes. Balboa.  
 23 Q. Even though you may not have it memorized, do  
 24 you have his address?  
 25 A. No. Didn't you just ask me that?

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- 1 Q. I think I asked you if you knew his address,  
 2 which is a little different from having it written down  
 3 somewhere where you can look it up.  
 4 A. I don't know his address.  
 5 Q. Okay. Who would know his address?  
 6 A. Well, we would have it in records at the  
 7 office.  
 8 Q. Does he still work for Los Angeles By-Products?  
 9 A. No.  
 10 Q. When did he stop working for Los Angeles  
 11 By-Products?  
 12 A. I don't know. It would just be a guess.  
 13 Q. Was it within the last ten years that he  
 14 ceased working there?  
 15 A. It was approximately 1975, 1976, I believe.  
 16 Q. And where is he in the hospital?  
 17 A. What do you mean "where"?  
 18 Q. What hospital?  
 19 A. He should be at the Hoag.  
 20 Q. The Hoag?  
 21 A. Uh-huh.  
 22 Q. Is that spelled H-O-G-U-E?  
 23 A. I believe it's H-O-A-G.  
 24 Q. And where is that located?  
 25 A. Newport Beach.

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- 1 Q. What about Ron Steiner? Do you know where he  
 2 lives?  
 3 A. His exact location, no. I don't know where he  
 4 lives.  
 5 Q. Do you know what town he lives in?  
 6 A. No.  
 7 Q. Does he live in California?  
 8 A. Yes.  
 9 Q. Does he live in southern California?  
 10 A. Yes.  
 11 Q. Does he live in Los Angeles area?  
 12 A. Area being what?  
 13 Q. The greater Los Angeles area?  
 14 A. Yes, yes.  
 15 Q. Does he live in the San Fernando Valley, if  
 16 you know?  
 17 A. Yes.  
 18 Q. Would his address be on file at Los Angeles  
 19 By-Products as well?  
 20 A. Yes, unless he has moved.  
 21 Q. And do you know of anyone else who would know  
 22 his address other than the records at Los Angeles  
 23 By-Products?  
 24 A. No, not offhand.  
 25 Q. Does he still work for Los Angeles

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- 1 By-Products?  
 2 A. No.  
 3 Q. Approximately when did he stop working for Los  
 4 Angeles By-Products?  
 5 A. Approximately 1990, I would say.  
 6 Q. Where does Dick Salisbury reside?  
 7 A. La Canada.  
 8 Q. Spell that for me.  
 9 A. L-a capital C-a-n-a-d-a.  
 10 Q. Is that in California?  
 11 A. Yes, it is.  
 12 Q. Generally speaking, is it in the greater Los  
 13 Angeles area?  
 14 A. Yes.  
 15 Q. Is it in the valley, San Fernando Valley?  
 16 A. No, I wouldn't consider it that.  
 17 Q. Would his address also be on file at Los  
 18 Angeles By-Products?  
 19 A. Yes.  
 20 Q. And do you know his address?  
 21 A. No. I am assuming you're asking by memory if  
 22 I know his address -  
 23 Q. I am.  
 24 A. - when you ask that.  
 25 No, I do not know.

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1 Q. Do you have it written down anywhere other  
2 than at L.A. By-Products?  
3 A. No, no.  
4 Q. Do you know of anyone else who would know his  
5 address either because they had it written down in their  
6 personal book or knew it off the top of their head?  
7 MR. MONTES: Excuse me, I think I will object  
8 because that's just a vague question as to anybody who  
9 knows his address.  
10 MS. RONGONE: Well, I am just asking if he knows.  
11 You know of anyone else who might know this gentleman's  
12 address? That's a simple question.  
13 MR. MONTES: But it's really broad and -  
14 MS. RONGONE: Are you instructing him not to answer?  
15 MR. MONTES: No, I'm not.  
16 THE WITNESS: Yeah. It might be on some of the old  
17 employee Christmas lists.  
18 BY MS. RONGONE: Q. You mentioned again last time  
19 or it was mentioned that Claude VanGorden has a local  
20 address. What is that address?  
21 A. I don't know it offhand.  
22 Q. Once again, is it in the greater Los Angeles  
23 area?  
24 A. Yes.  
25 Q. Is it in the San Fernando Valley?

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1 A. I would say no.  
2 Q. Do you know what town or -  
3 A. Sierra Madre.  
4 Q. Sierra Madre.  
5 Do you know what street he lives on?  
6 A. I am guessing at Sierra Madre because there is  
7 some areas up there. Thinking about it, it might not be  
8 Sierra Madre. Hastings Ranch.  
9 Q. Thank you.  
10 A. Hastings Ranch is probably located in Sierra  
11 Madre.  
12 Q. Okay. Is that a rural area?  
13 A. I don't know.  
14 Q. Do you happen to have a street address?  
15 A. Sure, yes.  
16 Q. Do you know what street he lives on?  
17 A. No.  
18 Q. Is his local address on file at Los Angeles  
19 By-Products?  
20 A. Yes.  
21 Q. He also has a residence in Idaho, I  
22 understand?  
23 A. Yes.  
24 Q. Do you know where in Idaho?  
25 A. Be a little bit more specific and I think I

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1 can answer that.  
2 Q. Do you know what town or city?  
3 A. Not in a town or city.  
4 Q. Do you know what portion of the state?  
5 A. Yes. It would be the north, northeast.  
6 Q. Is it a district or area that you have in  
7 mind?  
8 A. Yes.  
9 Q. Can you remember it?  
10 A. It's near a dam. I can't remember the name of  
11 the dam.  
12 Q. If it comes back to you later in the  
13 deposition, I would appreciate it if you would pipe up at  
14 that point.  
15 Is this other -  
16 A. How about if I say it's close to West  
17 Yellowstone. That's a city.  
18 Q. I was just in West Yellowstone about 10 days  
19 ago so I know exactly -  
20 A. Maybe you can remember coming back down  
21 towards Montana.  
22 MR. MONTES: Let's just -  
23 THE WITNESS: She might know.  
24 MS. RONGONE: I will think about that. There  
25 weren't that many towns.

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1 THE WITNESS: He is not in a town.  
2 MS. RONGONE: Okay.  
3 Q. Is his address in Idaho also on file at Los  
4 Angeles By-Products?  
5 A. No, not to my knowledge.  
6 Q. But he is still on the Board of Directors of  
7 Los Angeles By-Products, correct?  
8 A. Yes.  
9 Q. To the best of your knowledge, what amount of  
10 time does he spend in the Los Angeles area as compared to  
11 in Idaho?  
12 A. I don't know.  
13 Q. Do you have an understanding as to which is  
14 his principal residence?  
15 A. I believe it's still California.  
16 Q. There was some mention last time of the  
17 Penrose Landfill accepting demolition debris.  
18 A. Yes.  
19 Q. What exactly is demolition debris?  
20 A. Exactly?  
21 Q. Well, what's your best understanding of what  
22 it is?  
23 A. It would be construction materials, basically  
24 your concrete, wood, roofing materials. If you were to -  
25 we will just leave it at that.

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1 Q. Concrete, wood and roofing materials?  
 2 A. Yes. It would include a lot of other things  
 3 too.  
 4 Q. And as the name suggests would this debris be  
 5 the result of sites being demolished in some fashion?  
 6 A. Yes. We would receive part of that, if not  
 7 all, at Penrose.  
 8 Q. Were these sites that had been imploded?  
 9 A. I don't quite understand what you are saying.  
 10 Q. Well, when I hear demolition, I think  
 11 explosion. Where were these sites that had been exploded  
 12 or imploded?  
 13 A. No. Normally demolition includes your  
 14 building supplies as well when they come in. If they are  
 15 building a house, they have residue of basically your  
 16 concrete left over. If there was a garden out there and  
 17 they want to cut out some of the concrete that used to be  
 18 there to put in a new patio, we would get that type of  
 19 material.  
 20 If they are going to build a new house, some  
 21 of the material from that - the demolition of that house  
 22 would come into Penrose.  
 23 Q. Such as the demolition of the foundation?  
 24 A. That's correct.  
 25 Q. Was any of the demolition debris accepted at

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1 the Penrose Landfill from commercial rather than  
 2 residential demolition sites?  
 3 A. I would be guessing because that's done right  
 4 at the site. I would assume that we would probably  
 5 receive  
 6 some, sure.  
 7 Q. So to the best of your knowledge, the  
 8 materials could have included demolition debris from  
 9 commercial sites?  
 10 A. Could have. What do you mean by  
 11 commercial? Maybe better find out what your definition is  
 12 before I find out for sure.  
 13 Q. I think I defined that as nonresidence.  
 14 A. That's very broad so yes.  
 15 Q. Let's see if we can get it a little narrower.  
 16 If you know, would that very broad definition of commercial  
 17 include, for instance, industrial sites? And by that I  
 18 mean sites where industries had sited their different  
 19 operations.  
 20 A. Typical would be if a bank was to be  
 21 demolished and a new bank put up, we would receive  
 22 that.  
 23 Markets, drug stores possibly.  
 24 Q. What about any heavier industrial sites such  
 25 as sites where aerospace industry or other types of heavier  
 industries had located their facilities?  
 A. I don't know.

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1 Q. Were there particular haulers that would be  
 2 more likely than others to bring in commercial demolition  
 3 debris?  
 4 A. Yes.  
 5 Q. Who were those haulers?  
 6 A. I - that list is extremely long, and I don't  
 7 know them off - from memory.  
 8 Q. Is there any document or documents that you  
 9 know of that would contain the names of those haulers?  
 10 A. Yes.  
 11 Q. What documents would that be?  
 12 A. Ledger cards.  
 13 Q. Can you describe a ledger card for me?  
 14 A. I did in the last deposition.  
 15 Q. I recall discussion of pit tickets and I  
 16 think you did refer to ledgers, but I assumed you meant  
 17 ledger sheets.  
 18 A. Same thing.  
 19 Q. Same thing.  
 20 So these are ledger sheets that would contain  
 21 the name of the hauler?  
 22 A. That's correct.  
 23 Q. Just make sure we are talking about the same  
 24 thing.  
 25 MR. MONTES: These have been produced.

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1 MS. RONGONE: Well, that's what I am trying to get  
 2 clear on.  
 3 MR. MONTES: They have been produced. Miss Rushton  
 4 has seen the ledgers.  
 5 MS. RUSHTON: That's correct. I don't think that we  
 6 photocopied ledger sheets and so Miss Rongone may not  
 7 have  
 8 seen them.  
 9 MS. RONGONE: But I have seen something that I  
 10 believe is the same thing, and I want to just make sure we  
 11 are talking about the document that I have in mind;  
 12 otherwise - this is the 104(E) information request  
 13 response. I will hand it to you first.  
 14 The reason I offer that is because it is such  
 15 a large document, I did not have three copies made. I only  
 16 had two copies made. I guess I will have it marked even  
 17 though we won't be going through it right now.  
 18 Could you mark this next in order, please?  
 19 (Plaintiff's Exh-MRM-5 marked for  
 20 identification.)  
 21 BY MS. RONGONE: Q. For the time being I won't take  
 22 you through this entire document. If I could just refer  
 23 you to - hard to say exactly where it is. In the middle  
 24 of the document - I will show you on my copy.  
 25 Is that document a copy of what you refer to  
 as a ledger card or ledger sheet?

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1 A. Yes, it appears to be that way.  
2 Q. Okay.  
3 A. This is a partial.  
4 Q. For the record, this is a multi-page  
5 document. The document referred to appears immediately  
6 after the May 21st, 1963 letter from - to Harmon Rasnow  
7 and Associates in the Hewitt Pit section of the 104(E)  
8 request response. We will come back to this document later  
9 but I don't want to spend a lot of time on it now; so we  
10 are clear on what a ledger sheet is, or at least I am.  
11 I wanted to get clear on the closure status of  
12 the Penrose Landfill. You mentioned last time that you  
13 have or you believe Los Angeles By-Products received a  
14 letter stating that the landfill was closed pursuant to the  
15 requirements of the Integrated Waste Management Board?  
16 A. Yes.  
17 Q. When did Los Angeles By-Products receive that  
18 letter?  
19 A. I don't know the date.  
20 Q. Approximately?  
21 A. Approximately November of 1995.  
22 Q. I don't believe that that document was  
23 produced. It may be that it wasn't thought to be  
24 relevant. I am not saying one way or the other, but I  
25 would like to have it produced. I think it is certainly

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1 within the scope of our requests.  
2 Have you ever received a letter or other  
3 notification from the Regional Water Quality Control Board  
4 that it considers the Penrose Landfill to be closed?  
5 A. I was asked that in one of the other  
6 depositions.  
7 Q. As I said, I did read the transcript and I am  
8 trying very hard not to ask you questions that you did  
9 answer but it was a little vague to me in the transcript.  
10 A. To my knowledge they do not give you a letter.  
11 Q. Have you received any other notification from  
12 the Regional Board that they consider the Penrose Landfill  
13 to be closed?  
14 A. Not that I can think of offhand.  
15 Q. And the city of Los Angeles, have you received  
16 a letter or other notification from city of Los Angeles  
17 that it considers the Penrose Landfill to be closed?  
18 A. That's a hard one to answer because I don't -  
19 I don't know what department you are talking about.  
20 Q. They have so many.  
21 Have you received such a notification or  
22 letter from any department of the city of Los Angeles?  
23 A. Local Enforcement Agency, Department of  
24 Environmental Affairs.  
25 Q. And approximately when was that letter sent to

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1 you?  
2 A. That was a letter requesting some additional  
3 percentages of grades in certain areas after we had done  
4 our closure, and that letter was received just a couple -  
5 probably a couple months ago.  
6 Q. Could you explain what you mean by requesting  
7 additional percentage of grades in certain areas?  
8 A. At the time of closure the contractor was to  
9 bring all of the grades out there to three percent.  
10 Apparently there were some that were a little deficient in  
11 the areas or had subsided after the contractor had left.  
12 And they requested some additional earth to be placed in  
13 those - those areas.  
14 Q. Talking about the cap or the cover?  
15 A. The cap, that's right. Actually it's - it's  
16 the dirt that is above the cap.  
17 Q. That's actually what I meant too.  
18 A. Okay.  
19 Q. So we are talking about bringing the grade of  
20 the dirt above the cap to three percent?  
21 A. That's correct.  
22 Q. And pardon my ignorance, but three percent of  
23 what? Is it a three-percent grade?  
24 A. Three-percent grade.  
25 Q. Got it.

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1 And has the additional soil or dirt been laid  
2 down to bring the grades into compliance?  
3 A. To the best of our knowledge, yes.  
4 Q. Part of the reason I think I have some  
5 confusion in this area is, as you referred to just a moment  
6 ago, after closure you get a letter. What do you refer to  
7 in your mind when you refer to closure?  
8 A. Closure means a lot of different things, and I  
9 am trying to interpret what you are talking about, and you  
10 were very specific. You said Integrated Waste  
11 Management  
12 Board.  
13 Q. Yes, I did. I asked about specific agencies.  
14 A. That's closure.  
15 Q. So what you understand to mean closure is when  
16 a regulatory agency tells you that the landfill is closed?  
17 A. That's part of closure, sure.  
18 Q. Is there another part?  
19 A. Yes. It continues on. We have what you might  
20 say is a post-closure, and I might include it as closure,  
21 and is that we need to do something with that piece of  
22 property. The city of Los Angeles requires that.  
23 Q. You mean put it to some use?  
24 A. That's correct.  
25 Q. Is there a particular department or agency of  
the city of Los Angeles that you deal with on that

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1 particular issue?  
 2 A. Are you asking me about one agency?  
 3 Q. Or more.  
 4 A. More. Yes.  
 5 Q. What agencies are involved in that aspect of  
 6 closure?  
 7 A. I will give the best of my recollection.  
 8 Q. Thank you.  
 9 A. That's all I can do. You have got Local  
 10 Enforcement Agency which is Department of  
 11 Environmental  
 12 Affairs. You have Planning Department, Public Works.  
 13 That's all I can think of right now.  
 14 Q. Are these all, just to be clear, the city of  
 15 Los Angeles as opposed to Burbank or Glendale or some  
 16 other  
 17 incorporated municipality?  
 18 A. Well, the ones you just named. City of Los  
 19 Angeles.  
 20 Q. Other than the city of Los Angeles on the  
 21 aspect of closure related to use of the property, the Los  
 22 Angeles Department of Environmental Affairs, Regional Water  
 23 Quality Control Board, EPA, and the Integrated Management  
 24 Waste Board or Waste Management Board, have you dealt  
 25 with  
 any other regulatory agencies in connection with the  
 Penrose Landfill?  
 A. In the connection with the operations or just

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1 with closure?  
 2 Q. Let's stick with closure for a moment.  
 3 A. If I recall correctly, our closure plans had  
 4 to be submitted to Department of Public Works, County  
 5 of  
 6 Los Angeles, and I believe to the Health Department,  
 7 County  
 8 of Los Angeles. We dealt with the Los Angeles County  
 9 Assessor's office. I can't think of any others with the  
 10 county at the present time.  
 11 Q. If any others come to, mind, later in the  
 12 deposition, if you would – again, if you would tell me you  
 13 want to add to your answer, I would appreciate it.  
 14 A. Uh-huh.  
 15 Q. You described in some –  
 16 A. Excuse me. I need clarification. I said the  
 17 county. I was trying to think back in the county  
 18 Q. I believe you said just regulatory agencies.  
 19 A. Let me think about it then for a second here.  
 20 Q. Okay.  
 21 A. You mentioned Regional Water. That is  
 22 correct.  
 23 Q. I did. Let me give you the list so you don't  
 24 try to rack your brain trying to remember what I said. Let  
 25 me know if you think of any others. EPA, the Regional  
 Water Quality Control Board.  
 A. Would you include the state of California EPA?

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1 Q. No, I didn't.  
 2 A. Okay. Well, she is interested, I think.  
 3 Q. Okay. Both Federal and State EPA, Regional  
 4 Water Quality Control Board, the Los Angeles Department of  
 5 Environmental Affairs, Planning Department, I believe you  
 6 referred to it as; the Department of Public Works, the  
 7 Department of Health, Los Angeles, and the L.A. County  
 8 Assessor's office?  
 9 A. Yes. And we have also been working very  
 10 closely with the – our local councilman, councilman  
 11 Richard Alarcon.  
 12 Q. Richard?  
 13 A. Alarcon.  
 14 Q. Can you spell that for me?  
 15 A. A-L-A-R-C-O-N.  
 16 Q. And what municipal entity is he associated  
 17 with?  
 18 A. City of Los Angeles councilman. Oh, another  
 19 one. Los Angeles, it would be I think they are called  
 20 Building and Safety.  
 21 Q. Has Los Angeles By-Products responded to the  
 22 notice from – I forget who, but the notice you referred to  
 23 a moment ago requiring that the property be put to some  
 24 use?  
 25 A. Have we replied?

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1 Q. Have you responded to it, yes.  
 2 A. Very confused on that. You want –  
 3 Q. I'm sorry. I understood you to say a moment  
 4 ago that you recently received or Los Angeles By-Products  
 5 had recently received a notification from one of these  
 6 regulatory agencies stating that or stating that the  
 7 property had to be put to some use?  
 8 A. No, that's not correct.  
 9 MR. MONTES: No, I think that was regarding the  
 10 additional percentage of grade.  
 11 THE WITNESS: That was a recent letter.  
 12 BY MS. RONGONE: Q. Okay. I thought you testified  
 13 a little while ago the city of Los Angeles requires that  
 14 some use be made of the property?  
 15 A. That is correct, yes.  
 16 Q. When did you receive notification of that  
 17 requirement?  
 18 A. My guess would be 1960ish.  
 19 Q. And which regulatory agency is involved in  
 20 that requirement?  
 21 A. Multiple agencies, I would assume at that time.  
 22 Q. And did Los Angeles By-Products respond to  
 23 those agencies at the time with some plan for use of the  
 24 property?  
 25 A. We were given some options on what we could do

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1 with the property. At that time I don't believe it took a  
2 response. However, the response would have been done  
3 during the public hearings. I am sure that they discussed  
4 it, if that's what you are talking about, a response, a  
5 discussion, yes. I would assume back in 1960's, that's  
6 when it started.

7 Q. What was the outcome of that discussion?

8 A. I have no idea.

9 Q. What use was the property put to?

10 A. It hasn't been. It's being put into a use  
11 now. This is part of our closure.

12 Q. Did the multiple agencies that you referred to  
13 not present the requirement that it be put to some use?

14 A. Oh, absolutely. Sure. There's a restriction  
15 on the property. I think I –

16 Q. Can you clarify for me?

17 A. Yes. That it be used as a golf course and  
18 that is a champion regulation golf course or other  
19 recreational facility or be put into a parklike setting.

20 Q. When you say there is a restriction, you mean  
21 a requirement that's been placed on Los Angeles  
By-Products

22 as to the use it can make of the property?

23 A. That is correct.

24 Q. Was there any time limit on Los Angeles  
25 By-Products achieving one of these options?

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1 A. Very definitely, yes.

2 Q. What is the time limit?

3 A. I don't know offhand.

4 Q. Generally speaking do you know?

5 A. Seems to me that they gave us one year after  
6 closure.

7 Q. Closure defined how?

8 A. Whatever it means to you, whatever it means to  
9 them. I don't know.

10 Q. Now I really I don't want to spend too much  
11 time on marginal issues but now I really do want to know  
12 who "them" is. Which agencies are we talking about?

13 A. I got Local Enforcement Agency which is  
14 Department of Environmental Affairs, Planning. Those  
15 would be your main ones.

16 Q. Is the Department of Public Works involved?

17 A. Oh yes. When it comes to that, almost all  
18 agencies for approval because no matter what we do all  
19 of the plans have to be submitted and approved. Everyone  
20 has there little facet.

21 Q. I understand. I am interested more the  
22 upstream side of the requirement, if you will, the agencies  
23 that have imposed this requirement as opposed to those that  
24 would oversee its implementation.

25 A. They were all involved though at the time that

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1 that restriction came on us. Oh, including somebody else  
I

2 left out, which is the Attorneys office, city of Los  
3 Angeles.

4 Q. Los Angeles City Attorneys office?

5 A. Uh-huh, yes.

6 Q. Where is it written that the property must be  
7 used as a golf course or parklike setting, as you  
8 described?

9 A. I am sure in many, many different documents,  
10 documents that I wouldn't even be aware of.

11 Q. Are you aware of – are there any documents  
12 that have this written down that you are aware of?

13 A. Yes, uh-huh.

14 Q. What documents are those?

15 A. It would be in our use permit, which was a  
16 zoning, a zone change, temporary zone use. It would be  
in

17 that type of a document.

18 Q. Los Angeles By-Products applied for a zoning  
19 change for this property?

20 A. Yes, that's part of the permit process.

21 Q. When was the use permit that you just referred  
22 to obtained?

23 A. Well, the first one was probably back in the  
24 1960's. I don't know.

25 Q. Right now I want to be very clear. I am

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1 referring to the use permit you just described which would,  
2 to the best of your knowledge, contain the restriction that  
3 the property be put to one of the uses you described, not  
4 any use permit you ever had.

5 A. I can't be that detailed because it goes back  
6 to the 1960's they had a requirement. Since that time  
7 things have been added to it; some things have been  
8 deleted. There is no specific document that you can go to  
9 and say this is exactly what L.A. By-Products has to do  
10 today.

11 Q. You would have to look at a series of  
12 documents?

13 A. Well, I think clarification is needed here.  
14 State of California changed the rules and regulations  
15 midstream. We were all closed. We had a given the report  
16 for closure. It was approved by all agencies. Got to the  
17 Local Enforcement Agency, and they basically put it  
aside

18 for a considerable amount of time within which in that  
19 period of time a new state law came out.

20 So we had to do another report. So that  
21 report was finalized. Then after that, the – there were  
22 some more requirements on what we could do with the  
23 property after closure, quote, unquote.

24 And since that period of time State of  
25 California came back with another new rule which cut out

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1 the use of any type of watering system on the site, which  
 2 restricted our use again.  
 3 Q. Pretty hard to have a golf course if you can't  
 4 water the lawn, isn't it?  
 5 A. That's exactly right.  
 6 Q. It sounds like the process you just described  
 7 has been approximately a 30-year process; is that correct?  
 8 A. Started - we handed in our closure report in  
 9 accordance with all the rules and regulations within six  
 10 months of the final load coming in. We got final approval  
 11 for closure about a year ago.  
 12 Q. That's the approval from the Integrated Waste  
 13 Management Board?  
 14 A. That's correct.  
 15 Q. So to the best of your understanding is Los  
 16 Angeles By-Products now finally free to go ahead and  
 17 develop the property?  
 18 A. Oh no.  
 19 Q. What stands -  
 20 A. Far from it.  
 21 Q. What stands in the way of that now?  
 22 A. Governmental agencies, regulations. We have  
 23 to submit certain drawings. If the rules don't change  
 24 within the time period that they are looking them over -  
 25 and we don't count that out because they change laws  
 every

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1 day - this could go on for another 20 years easily.  
 2 Q. But you are talking about getting approval for  
 3 whatever you plan to do with it; is that correct?  
 4 A. For final use?  
 5 Q. Yes.  
 6 A. Is that what you -  
 7 Q. Yes.  
 8 A. Yes, uh-huh.  
 9 Q. Does Los Angeles By-Products currently have  
 10 any proposal before some or all of these various regulatory  
 11 agencies for final use for the property?  
 12 A. Yes, and of course they requested additional  
 13 information.  
 14 Q. Oh, of course. What agencies is the proposal  
 15 before?  
 16 A. Environmental Affairs, Planning, Building and  
 17 Safety, Public Works, Councilman Alarcon, Homeowners,  
 18 County of Los Angeles, I am sure they have a copy. I  
 19 don't  
 20 know if Regional Water has it, and I am sure I have left  
 21 out some.  
 22 Q. Is this proposal - what is the proposed use?  
 23 A. It's a golf, driving range with appurtenant  
 24 structures.  
 25 Q. We may come back to that subject but I don't  
 want to spend anymore time on it now.

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1 Just a couple more questions on the process by  
 2 which waste was brought to the landfill and received and  
 3 deposited in the landfill. I know you described that in  
 4 some detail. You mentioned that the drivers - excuse  
 5 me - the spotters would check the license plates -  
 6 A. No.  
 7 Q. - of the - .  
 8 A. No.  
 9 Q. Let's see here. Perhaps I got it wrong. I  
 10 could have sworn. Yes. This is at page 111 of your  
 11 transcript. I will show it to you.  
 12 A. I haven't seen the transcript so the numbering  
 13 system doesn't mean anything to me.  
 14 Q. I will read question and answer and then I  
 15 will show it to you if you wish to see it.  
 16 "Question: So what happens?  
 17 "Answer: They go through the front gate and  
 18 then they make their way to the checkstand.  
 19 "Question: And at the checkstand someone  
 20 checks the license plates; is that correct?  
 21 "Answer: That's part of it, yeah."  
 22 THE WITNESS: Yes, that is correct.  
 23 BY Ms. RONGONE: Q. My question is, why do they  
 24 check the license plates?  
 25 A. Oh, they are putting the license plate numbers

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1 for the accounts. Now you had previously mentioned that  
 2 those were spotters. Those are not spotters that are  
 3 doing  
 4 the checking of the license.  
 5 Q. Who would do the checking?  
 6 A. We would consider that a checker.  
 7 Q. So the checkers checked the license plates and  
 8 the spotters spotted the loads for improper disposal; is  
 9 that correct?  
 10 A. Gets much more detailed. I really went into  
 11 detail, I think, in the last deposition.  
 12 Q. You did, and I really don't want to take you  
 13 back over that - pardon me - whether it was a checker or  
 14 spotter was not identified on this page; so I didn't go  
 15 back and look that up is all I am saying.  
 16 Who were the checkers who worked in that job  
 17 that you can remember during the time Penrose was an  
 18 operating landfill?  
 19 A. The name of the checker was Terry and I don't  
 20 remember his last name. Then they would have relief men  
 21 that came on and I don't recall who they are.  
 22 Q. Did any of the people who are currently  
 23 working for or on the Board of Directors of Los Angeles  
 24 By-Products ever work as checkers at the Penrose Landfill?  
 25 A. No.  
 Q. So the only checker that you can recall is a

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1 man named Terry and that there might have also been relief  
 2 men?  
 3 A. **There were definitely relief people, yes.**  
 4 Q. You, yourself, never worked as a checker?  
 5 A. **No.**  
 6 Q. Who were the spotters, to the best of your  
 7 recollection, during the time that Penrose Landfill was an  
 8 operating landfill?  
 9 A. **Who were the spotters? What their jobs were?**  
 10 Q. What was their identities?  
 11 A. **Oh, I don't remember.**  
 12 Q. You, yourself, never worked as a spotter?  
 13 A. **No.**  
 14 Q. Did any of the people who currently work for  
 15 or on the Board of Directors of Los Angeles By-Products  
 16 ever work as spotters?  
 17 A. **No.**  
 18 Q. Now as I recall from reading the description  
 19 of the waste disposal, once the load was placed in the  
 20 landfill there would be someone down there with a cat who  
 21 would -  
 22 A. **What do you mean by "in the landfill"?**  
 23 Q. Well, I think you had this discussion with  
 24 David Glazer and we talked about whether it went up or down  
 25 the side of the landfill, and I actually have another

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1 question about that, but I am talking about the person you  
 2 described who would be driving a cat and who I understood  
 3 from your testimony to be someone whose job it was to, for  
 4 lack of a more elegant word, smooch down the refuse before  
 5 it was covered on a daily basis. Correct?  
 6 A. **That's correct. It wasn't smooshed down. It**  
 7 **was spread out for inspection and then it was dozed up**  
 8 **onto**  
 9 **the landfill face, worked in.**  
 10 Q. Can you identify any of the individuals who  
 11 drove the cat during the time the landfill was operating?  
 12 A. **I believe Fred Watkins drove it. It's the**  
 13 **only name I can think of.**  
 14 Q. Do you know where Fred Watkins resides today?  
 15 A. **No.**  
 16 Q. Is he still associated in any way with Los  
 17 Angeles By-Products?  
 18 A. **No.**  
 19 Q. If you needed to find him, what would you  
 20 do? Do you know anyone, for instance, who would know  
 21 where  
 22 he lives or anything like that?  
 23 A. **No.**  
 24 Q. Do you know whether he still lives in the Los  
 25 Angeles area?  
 26 A. **Oh no. I do know he does not. I shouldn't**  
 27 **say that. He could be back here now. I don't know.**

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1 Q. It sounds as if at one time, at least, you  
 2 believe he moved away?  
 3 A. **Yes.**  
 4 Q. Where did you understand him to move away to?  
 5 A. **He was up in northern California someplace.**  
 6 **Where, I don't know.**  
 7 Q. Would his address be on file at Los Angeles  
 8 By-Products?  
 9 A. **His current?**  
 10 Q. **Yes.**  
 11 A. **No.**  
 12 Q. Would his old address?  
 13 A. **Well, I don't know unless he has moved back**  
 14 **there. To the best of my knowledge, no, we don't have an**  
 15 **address for him.**  
 16 Q. Does Los Angeles By-Products have any  
 17 continuing benefits for former employees such as a pension  
 18 plan?  
 19 A. **Specific employees?**  
 20 Q. Well, any employees.  
 21 A. **Well, yes.**  
 22 Q. I am thinking perhaps that someone like a Fred  
 23 Watkins, if he was getting a pension, would have a reason  
 24 to keep his address on file with the company.  
 25 A. **Not with us, no.**

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1 Q. Not with you?  
 2 A. **No.**  
 3 Q. With someone else?  
 4 A. **Possibly with the Operating Engineers.**  
 5 Q. It was a union operation?  
 6 A. **No. Some were; some were not.**  
 7 Q. Some of your workers were members of the  
 8 Operating Engineers?  
 9 A. **No.**  
 10 Q. What local?  
 11 A. **I don't know.**  
 12 Q. Probably the local local though.  
 13 Which categories of employees were members of  
 14 the Operating Engineers?  
 15 A. **The dozer operators.**  
 16 Q. Is that the same as the cat that I described?  
 17 A. **That's correct.**  
 18 Q. Were any of the other employees members of  
 19 other unions?  
 20 A. **Yes.**  
 21 Q. Were the spotters and checkers members of any  
 22 unions?  
 23 MR. MONTES: **Objection. Vague as to time.**  
 24 BY MS. RONGONE: Q. At any time during the time it  
 25 was an operating landfill.

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1 THE WITNESS: Penrose?  
 2 BY MS. RONGONE: Q. Yes, Penrose. We are staying  
 3 with Penrose for the time being.  
 4 A. I don't believe so; not to my knowledge.  
 5 Q. What other categories of employees were there  
 6 besides the dozer, drivers, the spotters and the checkers?  
 7 A. Laborers.  
 8 MR. MONTES: And, again, this is all with respect to  
 9 the time frame of Penrose being operated as a landfill?  
 10 MS. RONGONE: Yes. And I will start repeating that  
 11 with every question so we have a clear record.  
 12 MR. MONTES: With that understanding, it's clear.  
 13 MS. RONGONE: Yes.  
 14 THE WITNESS: Also we had - for a short period of  
 15 time we had some truck drivers.  
 16 BY MS. RONGONE: Q. What union were the laborers  
 17 members of?  
 18 A. They were not.  
 19 Q. I'm sorry. I thought you said they were  
 20 members of another union other than Operating Engineers.  
 21 A. No. Didn't you ask me the laborers and  
 22 checkers?  
 23 Q. Let me back up.  
 24 A. Uh-huh.  
 25 Q. The checkers were not members of any union?

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1 A. No.  
 2 Q. Spotters were not members of any union?  
 3 A. No.  
 4 Q. And the laborers - this is all during the  
 5 time that the Penrose Landfill was operating, were the  
 6 laborers part of any union to your knowledge during that  
 7 time frame?  
 8 A. I don't know. I don't know if they were or  
 9 not.  
 10 Q. Okay. Were the truck drivers members of any  
 11 union during that time frame?  
 12 A. Yeah. Yes, they were. Teamsters.  
 13 Q. Do you know which local?  
 14 A. I believe it's 578.  
 15 Q. What did the laborers do?  
 16 A. Miscellaneous work.  
 17 Q. Did they - were they part of the disposal and  
 18 spreading operation?  
 19 A. I would not say that, no. They would pick up  
 20 litter, that type of thing, around the perimeter.  
 21 Q. Did they have anything to do with covering  
 22 the refuse every evening?  
 23 A. No.  
 24 Q. Aside from the obvious of driving trucks, what  
 25 was the teamsters particular function in the operations?

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1 A. Teamsters being the truck drivers?  
 2 Q. Yes.  
 3 A. They drove truck.  
 4 Q. What were the trucks used for?  
 5 A. Bringing dirt, cover type of dirt for the  
 6 daily cover and for stockpiling in case of fires.  
 7 Q. Where did they get the dirt?  
 8 A. I believe it was all coming from the Strathern  
 9 Landfill site.  
 10 Q. How many trucks were part of the operation?  
 11 And if it varied over the time of operation, I would  
 12 include that in the question.  
 13 A. It did vary. I think we had a maximum of  
 14 four.  
 15 Q. What type of trucks were these?  
 16 A. Semitrucks.  
 17 Q. They were how many wheels?  
 18 A. Varied.  
 19 Q. Eighteen? Any of them had 18?  
 20 A. Yeah. Most of the trucks were different.  
 21 They were just semitrucks and they had tilt capability to  
 22 unload their - discharge their dirt.  
 23 Q. Do you recall the make of the trucks?  
 24 A. I think a couple were Peterbilts, and I don't  
 25 recall the others.

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1 Q. Where were the trucks stored?  
 2 A. I am not sure. I think they were up on the  
 3 north side of Penrose but I am just guessing.  
 4 Q. Can you identify by name any of the laborers?  
 5 A. No.  
 6 Q. Is that a no?  
 7 A. That's a no. I am trying to think. I can't  
 8 think of any of them.  
 9 Q. Can you identify by name any of the teamster  
 10 truck drivers?  
 11 A. No.  
 12 Q. Were there any other categories of employees  
 13 besides those we have covered who were involved in the  
 14 disposal and spreading process? And I will relate those to  
 15 you once again so that you don't have to rack your brain  
 16 for what I mean by those we have covered.  
 17 We have covered checkers, spotters, dozer  
 18 operators, and, peripherally speaking, truck drivers. We  
 19 have also mentioned laborers, although you said they are  
 20 not involved in that process?  
 21 A. They are not. No, that would be all.  
 22 Q. Did you, yourself, ever work as a dozer  
 23 operator?  
 24 A. No.  
 25 Q. Did anyone who currently works for or is on

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1 the Board of Directors of Los Angeles By-Products ever work  
 2 as a dozer operator?  
 3 **A. Period of time again?**  
 4 **MR. MONTES:** Again, this is all during the operation  
 5 of Penrose's Landfill?  
 6 **MS. RONGONE:** That's right. Thank you, Raul.  
 7 **THE WITNESS:** No. You know what, I need  
 8 clarification on that because when did it end? What year  
 9 are you saying? During the operation - because really  
 10 Penrose is operating in a sense because we are closing.  
 11 **MR. MONTES:** As a landfill; so that would be like  
 12 1960.  
 13 **THE WITNESS:** Through '85?  
 14 **MR. MONTES:** Right.  
 15 **THE WITNESS:** No.  
 16 **MR. MONTES:** As a landfill. I assume it's during  
 17 the period of time when there was waste being disposed of  
 18 at the landfill.  
 19 **MS. RONGONE:** Well, the way I have defined it is  
 20 during the time it was an operating landfill.  
 21 **MR. MONTES:** An operating landfill.  
 22 **THE WITNESS:** When we accepted refuse?  
 23 **BY MS. RONGONE: Q.** Yes.  
 24 **A. Class II type. Okay?**  
 25 **MR. MONTES:** Yeah.

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1 **THE WITNESS:** So no, the answer to your original.  
 2 **BY MS. RONGONE: Q.** Okay. And what years would you  
 3 put on that time frame, just to make sure we are thinking  
 4 about the same time frame.  
 5 **A. Approximately 1960 to 1985.**  
 6 **Q.** Okay. That same time frame I would have in  
 7 mind but I wanted to be clear.  
 8 **A. Okay.**  
 9 **Q.** Now other than the disposal and spreading and  
 10 covering process, what other operations if any were carried  
 11 out at the landfill during that time frame 1960 to 1985?  
 12 **A. We have an inspection of the refuse that is**  
 13 **coming in. That was covered in the last deposition also.**  
 14 **Q.** But wasn't that the checkers?  
 15 **A. Checkers and the spotters.**  
 16 **Q.** Okay. So I was including them.  
 17 **A. All right. Sorry.**  
 18 **Q.** Other than checking, spotting, dozer driving,  
 19 truck driving, were there any classifications of employee  
 20 involved in that process?  
 21 **A. Yes. Maintenance.**  
 22 **Q.** What did the maintenance workers do?  
 23 **A. Basically they changed oil in the dozer,**  
 24 **cleaned the radiators, cleaned the sprockets. I think I**  
 25 **went over that in the last deposition also.**

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1 **Q.** Might have been touched on. Cleaned the  
 2 radiator and the sprockets in the dozers?  
 3 **A. Yes. And that was cleaning by land or**  
 4 **compressed air. Sometimes they would squirt this water**  
 5 **in**  
 6 **there too, I guess, but -**  
 7 **Q.** Talking about what the radiator or sprockets  
 8 or both?  
 9 **A. All, yeah.**  
 10 **Q.** Did the maintenance workers also maintain the  
 11 trucks?  
 12 **A. I don't know. I would assume they changed the**  
 13 **oil. They would do some minor welding. I can remember**  
 14 **some things going wrong with some of the trucks and**  
 15 **you**  
 16 **would have to reweld.**  
 17 **Q.** Body work-type things?  
 18 **A. Yeah. Didn't care about the looks of the body**  
 19 **but just maintain it so we wouldn't lose dirt during the**  
 20 **haul.**  
 21 **Q.** Keep things from falling off, in other words?  
 22 **A. Yeah.**  
 23 **Q.** And where was the maintenance function carried  
 24 out?  
 25 **A. Mostly in the north section. If it was**  
 26 **handier to bring the maintenance guys down to clean**  
 27 **radiators and so on. Radiators would overheat during the**

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1 **period of the day so sometimes they would come down**  
 2 **and**  
 3 **take care of them; sometimes they would take the dozers**  
 4 **up**  
 5 **there.**  
 6 **Q.** Up to the north section?  
 7 **A. Yeah.**  
 8 **Q.** And sometimes they would service them right in  
 9 the field so to speak?  
 10 **A. Servicing by what I just said, yes.**  
 11 **Q.** Did you - when I say "you," I mean Los  
 12 Angeles By-Products during the time the Penrose Landfill  
 13 was an operating landfill, which you have described as 1960  
 14 to 1985, were the maintenance workers members of any  
 15 union?  
 16 **A. They may have been operating engineers. I'm**  
 17 **not sure. I'm not sure. I believe they were union.**  
 18 **Whether they were operating engineers or teamsters, I'm**  
 19 **not**  
 20 **sure.**  
 21 **Q.** Okay. During that same time frame did Los  
 22 Angeles By-Products have any facilities for fueling the  
 23 trucks or the dozers or any other equipment that were on  
 24 site at the Penrose Landfill?  
 25 **A. They were wet nozzled. They - we contracted**  
 26 **with an outside concern. They would come on site and**  
 27 **fuel.**  
 28 **Q.** Did you use the term "wet nozzled"?  
 29 **A. Yeah, I think that's what they called it.**  
 30 **That's what I heard around the office anyway.**

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1 Q. You heard that term for the process of coming  
2 on site and fueling?  
3 A. That's correct.  
4 Q. Do you recall the name of the outside firm?  
5 A. Yes. I believe it's L.T. Sawyer.  
6 Q. Is L.T. Sawyer still in business?  
7 A. Yes, uh-huh.  
8 Q. It's a great term, isn't it, wet nozzle?  
9 A. I believe that that's correct. I am not sure  
10 about that term but I heard it being used several times.  
11 Q. You described as part of the disposal process,  
12 the process where the load would be inspected visually by  
13 the spotter?  
14 A. Uh-huh.  
15 Q. And there was a mirror mounted on a pole  
16 which -  
17 A. Now we are getting confused again between the  
18 checker and spotter.  
19 Q. The checker is the one that used the mirror  
20 device?  
21 A. That's correct.  
22 Q. Actually, I am just kind of orienting us to  
23 that part of your testimony.  
24 A. Uh-huh.  
25 Q. Did the company Los Angeles By-Products ever

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1 use a video camera?  
2 A. Oh yes, that's in my deposition.  
3 Q. I did not see that. During what time frame  
4 was a video camera used?  
5 A. Years. Again, I would just be guessing. It  
6 was towards the later years. I believe it was asked before  
7 and I don't really remember the exact dates.  
8 Q. Does Los Angeles By-Products still have copies  
9 of the videos?  
10 A. I wouldn't - I would doubt it if we do. I  
11 have no idea where they are.  
12 Q. What was the purpose of videoing the refuse  
13 that was being brought in?  
14 A. For temporary record of checking on the  
15 checkers themselves, making sure they are doing what  
16 they are supposed to do.  
17 Q. What exactly were you checking on the checkers  
18 for?  
19 A. Handling of cash and the type of refuse that  
20 was being accepted at that point.  
21 Q. Was there a concern that the checkers might be  
22 pocketing some or all of the cash that was brought in with  
23 the loads?  
24 A. Sure, yes.  
25 Q. Was there a concern that they were or at least

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1 that some of them were at some point accepting money in  
2 order to accept waste that should not have been deposited  
3 at the landfill?  
4 A. No, I wouldn't say that.  
5 Q. Do you know of any instance where that  
6 occurred?  
7 A. No.  
8 Q. Do you know of any instances at any landfill  
9 operation where someone did attempt to bribe?  
10 A. At any landfill operator? I have no idea.  
11 Q. I am just asking you as a person experienced  
12 in the business whether this was something that ever  
13 happened?  
14 A. I don't know.  
15 Q. Okay.  
16 A. Can't answer that.  
17 Q. That's it for that for the time being.  
18 Do you have copy of Exhibit 3 that was marked  
19 last time? I have our copy but I don't have extras. Do  
20 you have a copy of Exhibit 3, Raul?  
21 MR. MONTES: (Shakes head.)  
22 MS. RONGONE: Let me show mine to the witness.  
23 Q. I will show you what was marked as Exhibit 3  
24 last time. Do you recall looking at it? Since I need to  
25 be looking at it, I will walk over there and I apologize to

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1 leaning over your shoulder.  
2 A. Mr. Glazer discussed it a little bit.  
3 Q. It was a series of letters identified last  
4 time that I have one quick question about.  
5 If you look at the third page of the document,  
6 which is the first page of a December 15, 1969 letter, it  
7 refers to the Penrose Landfill having a capacity of  
8 11,691,820 cubic yards?  
9 A. Uh-huh.  
10 Q. I just wanted to compare that with the 15  
11 million cubic yards which is referred to in the report.  
12 A. We discussed that in the last deposition.  
13 What it amounts to is you have a capacity of  
14 approximately  
15 12 million cubic yards in a hole. Now we are allowed and  
16 mandated to go above that to allow for subsidence. So  
17 it's capped. You were out on the site yesterday?  
18 Q. (Nods head.)  
19 A. You went up. So from the level, water level  
20 surrounding grade level on up accounts for a lot more  
21 cubic  
22 yards.  
23 Q. So the additional cubic yardage is built up?  
24 A. That's correct.  
25 Q. Okay.  
26 Were the operations at the Penrose facility -  
27 and I am speaking generally now; not just about the

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1 disposal process – during the time it was an operating  
2 landfill connected to the public sewer?  
3 A. I don't know.  
4 Q. Do you recall –  
5 A. Our office had a – I don't know.  
6 Q. Do you recall whether the facility had, again  
7 I am using the term facility very generally to take into  
8 account the physical operation?  
9 A. What years are we talking about?  
10 Q. During the time the Penrose Landfill was an  
11 operating landfill, whether there was a septic tank on the  
12 property or septic system?  
13 A. It seems to me that there was a tank outside  
14 the office.  
15 Q. Aboveground?  
16 A. No, I don't believe so.  
17 Q. To the best of your recollection was that a  
18 septic tank?  
19 A. I believe so.  
20 Q. And do you know where the septic system was  
21 laid or if it had leach lines?  
22 A. I don't know if it had leach lines. It may  
23 have been pumped. I don't know. In fact, I don't believe  
24 it had leach lines. It seemed to me it was pumped.  
25 Q. Do you recall the name of the pumping service?

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1 A. No, I don't believe it's our current one.  
2 Could be.  
3 Q. Who is your current one?  
4 A. I don't even remember the name of that. It's  
5 in our records though.  
6 Q. Is the landfill – pardon me – the Penrose  
7 Landfill connected to the public sewer system now, the  
8 facility out there?  
9 A. The landfill, no.  
10 Q. Is any operation located on the landfill  
11 property, the Penrose property proper connected to the  
12 public sewer system?  
13 A. I believe the P.E.'s facility is.  
14 Q. How thick is the cover on the landfill, the  
15 Penrose Landfill?  
16 A. I can't give you an exact.  
17 Q. Can you give me your best approximation?  
18 A. Yes. It will range from, I believe we have  
19 some areas 40 foot and probably a minimum of four or  
20 five  
21 foot.  
22 Q. And –  
23 A. In fact, it's higher than four or five foot.  
24 I would say that the minimum would probably be closer  
25 to  
26 six or seven. This is approximate.  
27 Q. I understand. Now, again, I don't mean to be

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1 imprecise in my terms. I was referring to the dirt cover  
2 on the landfill. Is that what your answer referred to  
3 also?  
4 A. Yes.  
5 Q. Now is there also a cap underneath the dirt  
6 cover?  
7 A. Let's back up then, make sure we understand  
8 each other. That would be the total dirt above the last  
9 lift of refuse.  
10 Q. That's what I was asking you as well.  
11 A. Okay. Fine.  
12 Q. Now between the last lift of refuse and the  
13 landfill cover you just described, is there another layer  
14 of any material?  
15 A. Well, from the refuse up to the clay barrier,  
16 yes.  
17 Q. What's between the refuse and the clay  
18 barrier?  
19 A. Once again, put down just about the same  
20 amount of feet.  
21 Q. Does it vary?  
22 A. Yes, it does.  
23 Q. What's in that space? What material?  
24 A. Dirt.  
25 Q. We have the refuse between six and seven feet

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1 and 40 feet of dirt, and then we have the clay barrier?  
2 A. You have refuse, then you have clean dirt, and  
3 then you have the clay material, and then you have more  
4 dirt on top of that with a minimum of two foot.  
5 And presently we have quite a bit of material  
6 up on towards the center of the site. I believe it goes  
7 about as high as eight foot or so. You have been out  
8 there  
9 since I have so you have more knowledge on that than I  
10 do.  
11 Q. How thick is the clay barrier?  
12 A. Clay barrier itself is a synthetic clay  
13 material, and my guess is it's probably two inches thick,  
14 maybe a little bit less. I have never taken a ruler to it.  
15 Q. Is it solid and brittle or is it soft and  
16 permeable?  
17 A. Yes, to all of that. It's a – be similar to  
18 a carpet that has a jute backing, only in this case it's  
19 not jute. It's some other type of a very strong synthetic  
20 fabric, and then a clay material is put in that, which  
21 is – be the consistency of bentonite. And then on top of  
22 that would be another synthetic substance on top of that.  
23 So it would be like a carpet, a sandwich, if you would.  
24 Q. That's very descriptive.  
25 And then the dirt on top of that is – ranges  
26 from two to eight feet, to the best of your knowledge?  
27 A. No.

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1 MR. MONTES: I think it's misstating the testimony  
2 again.  
3 BY MS. RONGONE: Q. I did not intend to.  
4 A. It's approximately two foot and may range as  
5 high as probably over your head. Like I said, you would  
6 have more knowledge of that. It's where that final grade  
7 was. Did you drive up on that?  
8 Q. Yes.  
9 A. Okay. How high would you say that was?  
10 Q. Well, I don't know how high it was above the  
11 clay barrier, that's the thing.  
12 A. Well, it's at least two foot. We have a  
13 couple feet above the clay barrier.  
14 Q. That's what I am getting at. So above the  
15 clay barrier there is, I thought you testified earlier,  
16 between two and eight feet of dirt?  
17 A. Yeah. And then it goes up depending on the  
18 driving range.  
19 Q. And what's the -  
20 A. That is still dirt.  
21 Q. What's the deepest?  
22 A. This is confusing obviously. People are  
23 getting confused. I don't mean -  
24 Q. I was there yesterday.  
25 A. Yeah.

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1 Q. And there were places where there were piles  
2 of dirt -  
3 A. Uh-huh.  
4 Q. - you know, but I wouldn't consider them part  
5 of the cover because they haven't been spread out and made  
6 part of what I think of was the cover.  
7 A. So below that pile to the clay -  
8 Q. Yes.  
9 A. - be at least two foot.  
10 Q. Okay. Would it be as much as eight feet?  
11 A. Could be. I don't know where you were  
12 looking. No idea.  
13 Q. Okay.  
14 MS. RONGONE: We have been going for about an hour  
15 and 20 minutes. Take a 10-minute break.  
16 MR. MONTES: Sure.  
17 (Break taken.)  
18 MS. RONGONE: Back on the record.  
19 Q. You mentioned that there are places where the  
20 first layer of refuse cover can be as deep as 40 feet. Do  
21 you know what parts of the landfill, geographically  
22 speaking, are more likely to have the deeper cover?  
23 A. The way you worded that isn't quite correct.  
24 Ask me again.  
25 Q. Well, I am referring back to your testimony of

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1 five, ten minutes ago when you were describing the landfill  
2 cover. And you initially stated that it could range from  
3 six or seven feet to 40 feet, and then we got more detailed  
4 and you explained that that was the initial layer on top of  
5 the last lift of refuse followed by the clay barrier which  
6 you described and followed by more dirt.  
7 So I am referring to that first layer above  
8 the last lift of refuse.  
9 A. Yes, it would be towards the center.  
10 Q. Towards the center it's likely to be deeper?  
11 A. Yes, very generally speaking.  
12 MR. MONTES: There is one clarification, I believe,  
13 with respect to the clay liner. I believe your description  
14 included the word permeable.  
15 MS. RONGONE: That was in my question.  
16 MR. MONTES: Right. And did you have some  
17 clarification on that?  
18 THE WITNESS: Yeah, the synthetic portion of that,  
19 that is very similar to a jute backing.  
20 MS. RONGONE: Yes.  
21 THE WITNESS: That's permeable and bentonite of  
22 course is impervious, just that's a clay.  
23 MS. RONGONE: Got it.  
24 Q. Are there any existing records of the types of  
25 wastes received at the landfill, this is the Penrose

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1 landfill, during the time it was an operating landfill?  
2 A. No.  
3 Q. Were any -  
4 A. I may have to back up on that. Generally  
5 speaking, no, because we didn't classify it the way I think  
6 you are asking. I think I really need a clarification on  
7 your question. It's so general.  
8 Q. Okay. Well, I think the way I worded it was  
9 to ask whether there are any existing records of the types  
10 of wastes received at the landfill. What part of that is  
11 unclear or too general?  
12 A. Our permit states the type of material.  
13 Q. The permits state what types of material  
14 were -  
15 A. Are acceptable.  
16 Q. - were permitted to be accepted?  
17 A. Uh-huh, that's correct.  
18 Q. I understand the clarification you are looking  
19 for. I am asking whether any records were kept  
20 contemporaneous with disposal at the landfill of what was  
21 actually received at the landfill.  
22 A. I don't know if the individual tickets showed  
23 that or not so I would have to say, to my knowledge I  
24 don't  
25 know for a classification of the type. On the tickets  
themselves they could have a classification, dirt. I think

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1 it would say brush; it could say something like that, but  
2 it's kind of general. I don't know if that answers your  
3 question or not.  
4 Q. It does. Are those records kept at the  
5 landfill, that you are aware of?  
6 A. Kept at the landfill?  
7 Q. Kept by the landfill, I should probably say.  
8 A. There aren't any records at the landfill.  
9 Q. I will back up and clarify that. Just want to  
10 make sure these are all the same.  
11 (Discussion held off the record.)  
12 (Plaintiff's Exh-MRM-6 marked for  
13 identification.)  
14 BY MS. RONGONE: Q. You have had placed in front of  
15 you a document which has been marked MRM-6, a five-page  
16 document, copies of a couple of different types of original  
17 documents. Could you page through there and tell me if any  
18 of the pages appear to you to be copies of what you have  
19 described as pit tickets?  
20 A. What landfill are we talking about?  
21 Q. Right now I am not talking about a specific  
22 landfill but just a type of documentation.  
23 A. Yes. Page 3.  
24 Q. Okay. Is that the one that is Bate numbered  
25 18 on the right-hand side?

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1 A. Is that an 18?  
2 Q. Yes.  
3 A. Yes.  
4 Q. So this is an exemplar of the type of document  
5 you refer to when you refer to a pit ticket?  
6 A. This is for Tuxford. This is -  
7 Q. I understand that.  
8 A. So yes. For, Tuxford pit, this is probably  
9 what they must have used.  
10 Q. Okay. Did the pit tickets used at the Penrose  
11 Landfill during the time it was an operating landfill  
12 differ in appearance from the ones we are looking at here  
13 other than, of course, the name of the landfill at the top?  
14 A. Yes. Through the years, yes.  
15 Q. I'm sorry, through the uses?  
16 A. Through the years they differed, yes.  
17 Q. This document 18 within MRM-6 has a list of  
18 materials in the body of the document. It says,  
19 "Noncombustible, combustible, mixed, brush and specials."  
20 Is that a reference to the types of material  
21 being received at the landfill?  
22 A. I would assume so.  
23 Q. Were the same categories described on the pit  
24 tickets used at the Penrose Landfill during the time it was  
25 operating?

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1 A. No.  
2 Q. Do you recall what categories were used?  
3 A. May I refer to one of your documents you have  
4 given to me?  
5 Q. You certainly may. If you would, for the  
6 record, just mention the document that you are referring to  
7 when you find it.  
8 A. Not here. You have one that had four pages, I  
9 believe.  
10 Q. Was it an exhibit last time?  
11 A. Yes, I think it was the -  
12 Q. Was it Exhibit 3?  
13 MR. MONTES: Right.  
14 THE WITNESS: Yes.  
15 BY MS. RONGONE: Q. Okay. You are looking at the  
16 second page of Exhibit 3?  
17 A. Yes. What's your question?  
18 Q. My question was what categories of - whether  
19 the categories of materials described on the Tuxford pit  
20 tickets were the same on the Penrose pit tickets. And you  
21 said no, and then you asked to refer to that document. So  
22 I am kind of waiting for you.  
23 A. When they originally opened up at Penrose, I  
24 don't know what type of pit tickets they had.  
25 Q. Do you know if the pit tickets listed the

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1 types of waste?  
2 A. No, I don't know.  
3 Q. And other than the pit tickets, you know of no  
4 other documents kept at Penrose contemporaneous with  
5 waste  
6 being received that describe the types of waste received?  
7 A. There were no documents - there were no  
8 documents at Penrose.  
9 Q. I don't know what you mean by that there are  
10 no documents at Penrose. You mean there are none there  
11 now?  
12 A. That is correct.  
13 Q. That's not what I was trying to ask you. I  
14 was trying to ask you whether at the time the Penrose  
15 landfill was an operating landfill any records were  
16 created, whether they were kept or not, any records were  
17 created of the types of waste being received at the  
18 landfill?  
19 A. I don't know.  
20 Q. Is there anyone besides yourself that you  
21 believe would know that?  
22 A. I don't know. I don't know how good their  
23 memory is. You are talking about a long time ago.  
24 Q. Yes, I know. Did you ever see the pit tickets  
25 at the Penrose Landfill?  
A. The later ones, yes.

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1 Q. And what do you mean by later?  
 2 A. Later years.  
 3 Q. And can you recall whether those tickets that  
 4 you saw in the later years had any kind of listing or  
 5 reference of the types of waste being received?  
 6 A. I don't believe they did.  
 7 Q. So as far as you know, no such documents, i.e.  
 8 documents documenting the type of waste received, were  
 9 ever  
 10 created during the operation of the landfill?  
 11 A. As an example of the Tuxford one, no. I don't  
 12 know.  
 13 Q. Well, they don't have to be like the Tuxford  
 14 ones. They could be completely different. I am just  
 15 asking whether any documents whatsoever.  
 16 A. I don't remember.  
 17 Q. Okay. Have you finished with Exhibit 3?  
 18 MR. MONTES: This is Exhibit 3.  
 19 MS. RONGONE: Okay. For the time being we will put  
 20 aside MRM-6. We may come back to it later.  
 21 Q. During the time the Penrose Landfill was an  
 22 operating landfill, did Los Angeles By-Products keep  
 23 records of products used at the landfill site?  
 24 A. I don't know what you mean.  
 25 Q. Let me be more specific. Are you familiar  
 with a form called an MSDS, stands for Material Safety Data

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1 Sheet?  
 2 A. No, not offhand. The way you are describing  
 3 it, no.  
 4 Q. I don't know a more specific description.  
 5 So as far as you know, the Penrose Landfill  
 6 did not maintain MSDS sheets of products used at the  
 7 landfill?  
 8 A. Not to my knowledge.  
 9 Q. Were you involved with the installation of a  
 10 soil gas collection system at Penrose Landfill in the early  
 11 1980's?  
 12 A. The way you have asked it, no.  
 13 Q. Do you have any knowledge of the installation  
 14 of a soil gas collection system?  
 15 A. I know it's there.  
 16 Q. You are aware that one was installed?  
 17 A. Dates, I don't remember.  
 18 Q. Do you have a general understanding of when  
 19 the soil gas collection system was installed at the Penrose  
 20 Landfill?  
 21 A. The year it was installed, no. I don't  
 22 remember.  
 23 Q. Do you recall whether it was in the 1960's as  
 24 opposed to the 1970's or the 1980's? I am only asking for  
 25 your best recollection. I don't expect you to know dates

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1 or even necessarily a precise year.  
 2 A. Yeah. My guess it was late seventies.  
 3 Q. Was it any part of your work day to plan or  
 4 implement the installation of a soil gas collection system?  
 5 A. No.  
 6 Q. Whose job was that?  
 7 A. I am not sure.  
 8 Q. What's your best recollection?  
 9 A. I guess you would have to go to the engineer  
 10 and he was possibly the president. That was a fellow  
 11 Salsbury.  
 12 Q. Is that the same as Dick Salsbury that you  
 13 mentioned before?  
 14 A. Yes, yeah.  
 15 Q. Why was the soil gas collection system  
 16 installed?  
 17 A. There was always a potential of gas migrating  
 18 off site.  
 19 Q. Did Los Angeles By-Products detect gas in the  
 20 landfill that it suspected might be migrating off site?  
 21 A. I don't know.  
 22 Q. Other than that it was to respond to the  
 23 potential of gas migrating off site, do you know anything  
 24 else about why the system was installed?  
 25 (Inaudible discussion between the witness and

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1 his counsel.)  
 2 THE WITNESS: I'm sorry, you have to repeat your  
 3 question.  
 4 MS. RONGONE: Okay.  
 5 Q. Other than that it was in response to the  
 6 potential for gas migrating off site, do you know anything  
 7 else about why the gas collection system was installed at  
 8 the landfill?  
 9 A. You are talking about the initial installation?  
 10 Q. Initially  
 11 A. No, I don't. Did I say the late seventies on  
 12 the gas collection system?  
 13 Q. You said that was your best recollection.  
 14 A. It could have been a little bit earlier.  
 15 Q. After the system was installed, was sampling  
 16 undertaken of the soil gas?  
 17 A. I don't know.  
 18 Q. You don't know?  
 19 A. No. What's the period of time?  
 20 Q. After it was installed?  
 21 A. Oh, anytime after? Yes.  
 22 Q. Anytime?  
 23 A. Yes.  
 24 Q. Was sampling undertaken immediately after the  
 25 installation of the system?

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1 A. Oh, I don't know.  
2 Q. What time frame were you thinking of a moment  
3 ago when you said -  
4 A. Current.  
5 Q. Currently?  
6 A. Uh-huh.  
7 Q. Is the system currently being tested for - or  
8 excuse me - is the soil gas currently being sampled?  
9 A. How often?  
10 Q. Well, I was going to ask you that, but I want  
11 to know just generally speaking?  
12 A. Yes, generally speaking.  
13 Q. How often?  
14 A. I don't know.  
15 Q. Who does the sampling?  
16 A. I believe it's P.E. or they hire it out to  
17 another lab. I don't know.  
18 Q. Do you know what they test for?  
19 A. No.  
20 Q. Has P.E. ever provided Los Angeles By-Products  
21 with copies of sampling reports?  
22 A. Yes.  
23 Q. Does Los Angeles By-Products have copies of  
24 the sampling reports?  
25 A. I would say probably, yes.

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1 Q. As far as I know, those were not produced and  
2 I would request that they be produced.  
3 When did Los Angeles By-Products' relationship  
4 with Pacific Energy begin?  
5 A. Don't remember the date.  
6 Q. I understand that. I am just asking for your  
7 best recollection of the time period.  
8 A. I think we have had a contract with them for,  
9 I guess it was probably around 1985. I am really  
10 guessing.  
11 Q. Okay. Do you know if at any time before  
12 beginning this relationship with Pacific Energy, Los  
13 Angeles By-Products itself sampled the landfill gases?  
14 A. I think so.  
15 Q. What's the basis of your thinking so? What  
16 are you recalling?  
17 A. Seems like I saw a report a long time ago on  
18 some gas sample.  
19 Q. Let me refer you to - have this marked next  
20 in order.  
21 (Plaintiff's Exh-MRM-7 marked for  
22 identification.)  
23 BY MS. RONGONE: Q. I have placed in front of you  
24 a multi-page document which has been marked MRM-7. I  
25 realize it's a lengthy document but, in general, do you  
recognize the document?

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1 A. Yeah. It appears to be the log.  
2 Q. For the record, this is the June 29th, 1988,  
3 Solid Waste Assessment Test for the Penrose and Newberry  
4 Landfills; is that correct?  
5 A. What did you say? What date? July 1?  
6 Q. I took the date from the fourth or the fifth  
7 page, which is the June 29, '88 cover letter to Los Angeles  
8 By-Products.  
9 A. On page 4.  
10 Q. The fifth page of the document. It's behind  
11 the cover.  
12 MR. MONTES: This exhibit consists of three  
13 documents.  
14 MS. RONGONE: I'm sorry. There are three documents  
15 here. I know what I did. Let me have that back.  
16 Q. What I did here - sorry to confuse everyone.  
17 This is the one that I want to mark MRM-7, and this is the  
18 complete document which is the 1988 SWAT. These are  
19 excerpts for purposes of use at the deposition with the  
20 page I am going refer to. Mark this MRM-8.  
21 (Plaintiff's Exh-MRM-8 marked for  
22 identification.)  
23 BY MS. RONGONE: Q. Let me back up. You have had  
24 placed before you a document which has been marked  
25 MRM-8.  
Can you state what it is for the record?

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1 A. It says, "Solid Waste Assessment Test (Swat)  
2 Water, Penrose and Newberry Landfills."  
3 Q. What's the date of the report?  
4 A. Looks like letter of transmittal is dated  
5 June 29, 1988.  
6 Q. And I realize that is a multi-page document,  
7 but do you recognize the document?  
8 A. Yeah. I believe so, yeah.  
9 Q. Do you want to take a minute?  
10 A. I know it's SWAT. As long as you haven't  
11 changed any of the pages and stuff, it appears to be what  
12 I  
13 have seen.  
14 Q. And was it prepared at the request of Los  
15 Angeles By-Products Company?  
16 A. Yes.  
17 Q. Prepared by Law Environmental Company?  
18 A. I don't know what their name was at the time.  
19 Yes. Law Environmental.  
20 Q. And was it prepared for the purpose of  
21 submittal to whoever you had to submit it to?  
22 A. Yes.  
23 Q. The Regional Water Quality Control Board?  
24 A. Yes.  
25 Q. Let me refer you to page 22.  
A. Uh-huh.

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1 Q. Actually, pardon me, refer to page 31. You  
 2 have got it?  
 3 A. Yes.  
 4 Q. If you look at the bottom of the page, there  
 5 is a little title "Hazardous Materials on Site" and then a  
 6 little subtitle "Penrose Landfill." And there are two  
 7 sentences there. The second sentence reads: "No leachate  
 8 has been found at the site, and the landfill gas contains  
 9 only trace amounts of solvents."  
 10 Do you know anything about the landfill gas  
 11 sampling that formed the basis of that statement by  
 12 Law/Crandall in this report?  
 13 A. No.  
 14 Q. And I have looked through the SWAT myself and  
 15 have not been able to find copies of landfill gas database  
 16 or landfill gas sampling report. If you know differently,  
 17 I would appreciate your directing it to my attention. You  
 18 have the complete SWAT there.  
 19 A. You have looked through it and you couldn't  
 20 find it. I am sure I won't find it either.  
 21 MS. RONGONE: I would like to request that if that  
 22 document or documents still exist on landfill gas sampling,  
 23 prior to or subsequent to this report, that they be  
 24 produced because I do not believe they were in the  
 25 documents I received today.

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1 Q. Do you know whether sampling undertaken by  
 2 Los Angeles By-Products - this is distinct from Pacific  
 3 Energy - of soil gas at the landfill has ever been  
 4 submitted to any public agency? I am referring again to  
 5 the Penrose Landfill. I'm sorry.  
 6 A. Other than the SWAT?  
 7 Q. Other than the SWAT.  
 8 A. I can't recollect any right now. Wait.  
 9 Repeat your question again.  
 10 Q. I am not sure I could. Would you read it  
 11 back?  
 12 (Record read.)  
 13 THE WITNESS: Are we talking what type of water?  
 14 BY MS. RONGONE: Q. No. Soil gas or landfill gas.  
 15 A. Yes.  
 16 Q. When?  
 17 A. Approximately the same time.  
 18 Q. Same time as the SWAT?  
 19 A. Yes.  
 20 Q. And can you explain to me what you mean, what  
 21 data do you believe was submitted to the -  
 22 A. SWAT.  
 23 Q. The SWAT itself?  
 24 A. Uh-huh.  
 25 Q. But are you referring then to the reference

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1 that I just pointed out to you on page 31 to there being  
 2 traces of -  
 3 A. Oh, that I don't know. I don't know what -  
 4 whoever wrote this report, I didn't know what they are  
 5 referring to on that.  
 6 Q. Other than the SWAT, you know of no reporting  
 7 of landfill gas sampling by Los Angeles By-Products to any  
 8 public agency?  
 9 A. Yes.  
 10 Q. Yes, that's correct?  
 11 A. No, I do know of some, yes.  
 12 Q. What other?  
 13 A. SWAT.  
 14 Q. I said, other than the SWAT, aside from the  
 15 SWAT?  
 16 A. Clarification?  
 17 MR. MONTES: Excuse me just a minute.  
 18 (Whereupon the witness and his counsel exited  
 19 the room and subsequently returned.)  
 20 (Discussion held off the record.)  
 21 MS. RONGONE: Back on the record.  
 22 Q. I understand the clarification is that you  
 23 have in mind the air SWAT?  
 24 A. That's correct.  
 25 Q. Is it your understanding that the landfill gas

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1 sampling results were included in the air SWAT?  
 2 A. I believe so.  
 3 Q. I do not believe that we have ever received a  
 4 copy of the air SWAT, and I can understand why you might  
 5 not have thought it would be something we would be  
 6 interested in, but if it contains those results I would ask  
 7 that it be produced.  
 8 Do you have any understanding as - excuse  
 9 me. Strike that.  
 10 Do you have any knowledge as to whether the  
 11 landfill gas collection system ever experienced any  
 12 breakdowns?  
 13 A. No, I don't have that knowledge.  
 14 Q. Do you have any understanding of the  
 15 significance of breakdowns of the landfill gas collection  
 16 system?  
 17 A. You are being very general and I can't answer  
 18 it the way that you are asking it.  
 19 Q. Well, I'm being general for a reason. I will  
 20 try to be more specific, if that would help you answer the  
 21 question. I am trying to get at whether you have any  
 22 knowledge or information about the way a landfill gas  
 23 collection system operates and what the results or effects  
 24 on the environment might be if the system breaks down mid  
 25 operation?

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1 A. I have some knowledge on how it operates. I  
 2 have no idea how would it affect the environment. You  
 3 are  
 4 not giving me a time period. Is it down forever?  
 5 Q. That is a much more specific question. If you  
 6 do have some understanding, I will ask you if there is a  
 7 breakdown of the landfill gas collection system, is there a  
 8 specific period of time that it needs to be out of  
 9 operation for there to be some deleterious effect on the  
 10 environment?  
 11 A. I don't know.  
 12 Q. Is there a period of time that you would  
 13 believe would – for a breakdown to occur that would have  
 14 no effect on the environment?  
 15 A. No, I don't have that knowledge.  
 16 Q. What do you know about breakdowns of landfill  
 17 gas collection systems and the effect they can have on the  
 18 environment?  
 19 A. If it was broken down, it was nonoperational.  
 20 The gas can go to the sides. It will find the quickest way  
 21 up, the easiest path up.  
 22 Q. So it's your understanding that the gas would  
 23 go up as opposed to down or out?  
 24 A. It may go out. I don't know. It's going to  
 25 fine the easiest method of travel. If the easiest way is  
 going out, that's the way it's going to go.

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1 Q. Can the easiest way of travel ever be down?  
 2 A. To my knowledge, no.  
 3 Q. And what's the basis of that understanding?  
 4 A. Just hearsay.  
 5 Q. Hearsay from anyone in particular?  
 6 A. No, nobody in particular.  
 7 Q. Do you have an understanding as to whether  
 8 gravity would affect the migration of the soil vapors?  
 9 A. No.  
 10 Q. Do you know whether prior to installation of  
 11 the landfill gas system at the Penrose Landfill there was  
 12 in fact off-site migration of landfill gases?  
 13 A. Not to my knowledge.  
 14 Q. Do you know if during the time the landfill  
 15 gas collection system was operating at the Penrose  
 16 Landfill, and we will say prior to the time Pacific Energy  
 17 came on the scene, there was a time when it did not operate  
 18 in a manner to prevent off-site migration of landfill gas?  
 19 A. Not to my knowledge.  
 20 Q. To your knowledge, was it operated on a  
 21 24-hour basis?  
 22 A. Well, to the best of my recollection, that's  
 23 what I heard. I never – I wasn't out there so I don't  
 24 know.  
 25 Q. Okay. Do you know if it operated seven days a

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1 week?  
 2 A. I had heard yes, it did.  
 3 Q. Who did you hear from?  
 4 A. Just talk in the office.  
 5 Q. Do you know of any instances when it broke  
 6 down?  
 7 A. I can't recall.  
 8 Q. Now at the time Los Angeles By-Products  
 9 commenced its relationship with Pacific Energy – let me  
 10 make sure I understand – just very generally speaking the  
 11 idea was that Pacific Energy would purchase the landfill  
 12 gas from Los Angeles By-Products; is that correct?  
 13 A. That's partially correct, yes.  
 14 Q. What part of it is incorrect?  
 15 A. That's – you have to elaborate more. That  
 16 was part of the contract, yes. There were other conditions  
 17 of the deal with Pacific Energy.  
 18 Q. We may come to that later, but right now I am  
 19 trying to establish a background. There was already a  
 20 landfill gas collection system in place at that time,  
 21 correct?  
 22 A. No, not the way you just stated it.  
 23 Q. At the commencement of Los Angeles  
 24 By-Products' relationship with Pacific Energy whereby  
 25 Pacific Energy would purchase the landfill gas from Los

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1 Angeles By-Products, was there a soil gas collection system  
 2 in place at the Penrose Landfill?  
 3 A. I need to clarify this.  
 4 (Inaudible discussion between the witness and  
 5 his counsel.)  
 6 THE WITNESS: Yes.  
 7 BY MS. RONGONE: Q. Once the relationship with  
 8 Pacific Energy was in place, did they operate or, excuse  
 9 me, did they take over the operation of the existing soil  
 10 gas collection system?  
 11 A. Yes.  
 12 Q. Did they also add to that system?  
 13 A. Yes.  
 14 Q. Did Los Angeles By-Products continue to  
 15 operate any part of the soil gas collection system once  
 16 Pacific Energy was up and running?  
 17 A. No, not to my knowledge.  
 18 Q. Did Los Angeles By-Products have access to the  
 19 system for sampling purposes?  
 20 A. Parts.  
 21 Q. What parts?  
 22 A. Perimeter.  
 23 MS. RONGONE: Why don't we go off record for a  
 24 moment.  
 25 (Discussion held off the record.)

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1 (DEPOSITION ADJOURNED AT 4:26 P.M.)  
2 (DECLARATION UNDER PENALTY OF PERJURY ON THE  
3 FOLLOWING PAGE HEREOF.)  
4  
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1  
2 DECLARATION RE DEPONENT'S READING,  
3 CORRECTING AND SIGNING DEPOSITION  
4  
5  
6 I hereby declare under penalty of perjury  
7 that the foregoing is my deposition under oath; are the  
8 questions asked of me and my answers thereto; that I have  
9 read same and have made the necessary corrections,  
additions  
10 or changes to my answers that I deem necessary.  
11

12 IN WITNESS THEREOF, I hereby subscribe my  
13 name this day of , 1996.  
14  
15

16 Michael R. McAllister  
17  
18  
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1  
2 REPORTER'S CERTIFICATE  
3  
4

5 The undersigned Certified Shorthand Reporter  
6 licensed in the State of California does hereby certify:  
7 That the foregoing deposition was taken before  
8 me at the time and place therein set forth, at which time  
9 the witness was duly sworn by me;  
10 That the testimony of the witness and all  
11 objections made at the time of the examination were  
12 recorded stenographically by me and were thereafter  
13 transcribed, said transcript being a true copy of my  
14 shorthand notes thereof.  
15 In witness whereof, I have subscribed my name  
16 this 5th day of May, 1996.  
17  
18

19 Jodi Hale, CSR, RPR  
Certificate No. 8638  
20  
21  
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25

**Look-See Concordance Report**

---  
 UNIQUE WORDS: 1,190  
 TOTAL OCCURRENCES: 4,247  
 NOISE WORDS: 384  
 TOTAL WORDS IN FILE: 13,871  
 ---

**SINGLE FILE CONCORDANCE**

---  
 CASE INSENSITIVE  
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COVER PAGES = 4  
 ---

INCLUDES ALL TEXT  
 OCCURRENCES  
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DATES OFF  
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INCLUDES PURE NUMBERS  
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**US vs. ALLIEDSIGNAL Michael Robert McAllister (Vol.4) 4/29/96**

**(800) HOT-DEPO**

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**CONDENSED TRANSCRIPT AND CONCORDANCE  
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## Page 220

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
3  
4 UNITED STATES OF AMERICA, )  
5 )  
6 Plaintiff, )  
7 vs. ) CIV. NO. 93-6490 MRP (Tx)  
8 ) (Consolidated Actions)  
9 ALLIEDSIGNAL, INC., et al., )  
10 )  
11 Defendants. )  
12 )  
13 STATE OF CALIFORNIA, on behalf )  
14 of the State Department of Toxic )  
15 Substances Control. )  
16 )  
17 Plaintiff, )  
18 vs. )  
19 )  
20 ALLIEDSIGNAL, INC., et al., )  
21 )  
22 Defendants. )  
23 )  
24 )  
25 )

DEPOSITION OF MICHAEL ROBERT MCALLISTER  
(Volume IV)

Taken on Monday 29, 1996, at 10:17 a.m.

21 Location: 800 Wilshire, Suite 1400  
Los Angeles, California

22 Reporter: Jodi Hale, CSR, RPR  
23 Certificate Number 8638  
24  
25

1 APPEARANCES OF COUNSEL: (Continued)  
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25

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## Page 221

1 Deposition of Michael Robert McAllister, Volume IV,  
2 taken before Jodi Hale, a Certified Shorthand Reporter for  
3 the State of California, with principal office in the  
4 County of Orange, commencing at 10:17 a.m., Monday, April  
5 29, 1996, at the offices of Davis Murray Shorthand  
6 Reporting Corporation, 800 Wilshire Boulevard, Suite 1400,  
7 Los Angeles, California.

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4  
5

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1 LOS ANGELES, CALIFORNIA - MONDAY, APRIL 29, 1996  
 2 \* \* \*  
 3 MICHAEL R. MCALLISTER,  
 4 called as a witness, and having been previously duly  
 5 sworn by the Certified Shorthand Reporter, was examined  
 6 and  
 7 testified as follows:  
 8 EXAMINATION  
 9 BY MS. RONGONE: Q. Good morning, Mr. McAllister.  
 10 As we have met, I am Marie Rongone. I represent the United  
 11 States and this is the continuation of your deposition  
 12 begun April 15th and continued on April 25th.  
 13 Since the last day of your deposition have you  
 14 spoken to anyone other than Mr. Montes or another one of  
 15 your attorneys about your testimony?  
 16 A. No.  
 17 Q. Have you reviewed any documents pertinent to  
 18 your deposition?  
 19 A. No.  
 20 Q. Have you reviewed your deposition transcript  
 21 yet?  
 22 A. No.  
 23 Q. Before we get back to sort of where we left  
 24 off, I wanted to get a little bit more information about  
 25 Los Angeles By-Products' current employee and corporate  
 structure.

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1 A. Okay. Can I revert back to the cover dirt?  
 2 MR. MONTES: There was some clarification.  
 3 MS. RONGONE: Certainly.  
 4 THE WITNESS: I am not actually out there so I don't  
 5 have firsthand knowledge of how much dirt was there. So I  
 6 just have to think back onto one of the tests that was  
 7 conducted, and this was for closure. And if I recall that  
 8 report, the minimum amount of cover dirt was around four or  
 9 five foot of soil, and that was from the refuse to the top  
 10 of the soil at that time, and the maximum was 10-foot plus.  
 11 BY MS. RONGONE: Q. From the last lift of refuse?  
 12 A. That's right. And it varied. Now there will  
 13 be some parts that will be considerably deeper than that.  
 14 I am sure that's what I was recalling, but I really don't  
 15 have firsthand knowledge. So we have to go by that  
 16 sample.  
 17 Q. Okay. I am just not positive how that differs  
 18 from your last testimony.  
 19 A. I think I indicated it was as deep as 40 foot  
 20 and there may be some spots out there but they would be  
 21 spots.  
 22 Q. That was the top cover that you referred to -  
 23 what you said, and I was very careful to write it down  
 24 because it was information that we needed -  
 25 A. Uh-huh.  
 Q. - was from the refuse, coming from the refuse

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1 to the clay barrier, basically from the last lift of refuse  
 2 to the clay barrier it was between seven and 40 feet?  
 3 A. Now I can't even be sure of that because when  
 4 they put the clay barrier down, they did a lot of grading  
 5 so I would not be able to even answer that question. But  
 6 before we started the closure procedures, we had to have  
 7 it  
 8 tested, and that's what I am referring to.  
 9 Q. We will come back to that but I want to make  
 10 sure I understand what your clarification actually was.  
 11 Last time you said from the last lift of  
 12 refuse to the clay barrier was between seven and 40 feet,  
 13 and then you had - let me get this out. Then you had the  
 14 clay barrier itself which you described; then you had more  
 15 dirt between two and eight feet. That was your best shot?  
 16 A. Uh-huh.  
 17 Q. So is your clarification that from the last  
 18 lift of refuse up is between four and five and ten plus  
 19 feet, clarification to the amount of dirt between the last  
 20 lift of refuse and the clay barrier?  
 21 A. No, I can't say the clay barrier. It was  
 22 prior to the actual start of closure. That was a separate  
 23 contract. That contractor had to come in and he had to  
 24 regrade the surface and then install the clay barrier and  
 25 install the final cover. So what he took off and placed  
 somewhere else, added, I don't have those figures.

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1 Q. Okay. So -  
 2 A. Is that clear?  
 3 Q. I believe so. You said you can't say the clay  
 4 barrier. You are not saying -  
 5 A. No.  
 6 Q. You are not saying you can't say it's not  
 7 there?  
 8 A. Oh, the clay barrier is there. It's the  
 9 amount of dirt from the refuse to that barrier. Because it  
 10 was - it was not an even dome, should we say. It was  
 11 irregular at that point in time; so you had some low spots  
 12 and you had some high spots. Contractor job was to  
 13 smooth  
 14 that and to have appropriate grades that were required  
 15 for  
 16 closure.  
 17 Q. That makes sense.  
 18 A. Okay.  
 19 Q. And also I would imagine to put the clay  
 20 barrier down on top of, you want something relatively level  
 21 or smooth or -  
 22 A. Not level. Can't be level. It had to be at  
 23 the three-percent grade.  
 24 Q. Dome shaped?  
 25 A. Yeah.  
 Q. Okay. What report were you reflecting on?  
 You said if you remembered the report.

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1 A. Yeah. There was a requirement by Regional  
 2 Water, I believe it was, and it was part of our closure on  
 3 the type of soils that would be used in lieu of the claymax  
 4 material, and he wanted to know how much dirt was  
 placed  
 5 between the refuse and the top of the site at that time.  
 6 Q. Who wanted to know, the Regional Board person?  
 7 A. Yeah.  
 8 Q. Okay. Do you know if Los Angeles By-Products  
 9 still has a copy of that report somewhere?  
 10 A. I would imagine so.  
 11 Q. Could we go off record for a moment?  
 12 THE WITNESS: Sure.  
 13 (Discussion held off the record.)  
 14 BY MS. RONGONE: Q. Is there anyone who would know  
 15 better than you exactly, or as exactly as possible, how  
 16 deep the dirt between the last lift of refuse and the clay  
 17 barrier was finally left at by the grading contractor?  
 18 A. No, unless it was the contractor himself.  
 19 Q. Did the contractor himself provide you -  
 20 excuse me - provide Los Angeles By-Products with any  
 21 documentation?  
 22 A. Regarding what?  
 23 Q. Regarding the job. I mean - I presume, for  
 24 instance, there was a contract?  
 25 A. Yes, there was a contract.

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1 Q. And did the contract describe what the grading  
 2 contractor was supposed to do?  
 3 A. Yes. I believe so, yeah.  
 4 Q. Did - if you know, did the grading contractor  
 5 provide any report after the contract was complete or  
 6 during the course of the contract describing the work that  
 7 he had performed?  
 8 A. I don't believe so.  
 9 Q. If you needed to find out exactly how deep  
 10 that cover was for your own construction purposes, how  
 11 would you go about determining that fact?  
 12 A. I wouldn't because then you would be  
 13 penetrating the clay.  
 14 Q. I meant - and I should have been more  
 15 precise - other than actually penetrating the clay, did  
 16 you go down and measure it yourself? Is there some other  
 17 way you would go about finding out?  
 18 A. No, no.  
 19 Q. Who was the contractor?  
 20 A. Fleming.  
 21 Q. Is that the full name, Fleming?  
 22 A. I don't believe so. That's the only part I  
 23 can remember.  
 24 Q. And what business are they in? I imagine they  
 25 don't call themselves grading contractors?

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1 A. I don't know.  
 2 Q. Approximately when was this work, this grading  
 3 work done?  
 4 A. Last summer or last fall. Let's see, just  
 5 under a year ago. I don't remember the specific day.  
 6 Q. So the clay cover was just put on a year ago?  
 7 A. Or less.  
 8 Q. Are the contracts and whatever other  
 9 documentation there was on the job still in Los Angeles  
 10 By-Products' files?  
 11 A. Yes.  
 12 Q. Did the same grading contractor lay down the  
 13 bentonite cover?  
 14 A. Yes.  
 15 Q. And what was the purpose of the bentonite  
 16 cover?  
 17 A. That's the impervious cover to the landfill.  
 18 Q. But what was the purpose of laying down the  
 19 impervious cover?  
 20 A. It was required by law.  
 21 Q. Was it required by the Regional Board?  
 22 A. Yes.  
 23 Q. Was it required by some other -  
 24 A. Yes.  
 25 Q. I was going to say other regulatory authority.

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1 Is that the question you answered?  
 2 A. Yes.  
 3 Q. Okay. What was the other regulatory authority  
 4 that required the bentonite cover?  
 5 A. California Integrated Waste Management Board.  
 6 Q. That reminds me. The other document that I  
 7 believe I had asked for was the closure or other  
 8 documentation from Integrated Waste Management Board.  
 9 MR. MONTES: I would have to think, but obviously we  
 10 have not had an opportunity to speak with Mr. McAllister  
 11 about these documents until just minutes before the  
 12 deposition started.  
 13 MS. RONGONE: Okay. I was reminded by his reference  
 14 to the Integrated Waste Management Board, and I thought I  
 15 would remind you.  
 16 Q. I don't mean to be tiresome by asking the same  
 17 question over and over again, but I understand that you put  
 18 it down because you were required to or Los Angeles  
 19 By-Products put the cover down because it was required to,  
 20 but do you have an understanding of the function it's  
 21 intended to serve?  
 22 A. Well, I have always been told that's to keep  
 23 the water from permeating down through the cover and  
 into  
 24 the refuse itself.  
 25 Q. It also makes sense.

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1 Is that the only clarification you wanted to  
 2 offer?  
 3 A. Yes.  
 4 Q. Thank you.  
 5 I wanted to get a better idea of the current  
 6 employee and corporate structure of Los Angeles  
 7 By-Products. First of all, is Los Angeles By-Products a  
 8 corporation?  
 9 A. Yes.  
 10 Q. And who are the officers besides yourself, who  
 11 I understand is president?  
 12 A. Ted Phillips, vice president.  
 13 Q. Is that with one "l" or two?  
 14 A. I don't know how he spells his name.  
 15 Q. Okay. And is the first name Theodore?  
 16 A. Uh-huh.  
 17 Q. Okay.  
 18 A. That's yes.  
 19 Q. Thank you.  
 20 Besides yourself and Mr. Philips, are there  
 21 any other officers?  
 22 A. Yes. C.D. VanGorden.  
 23 Q. What is -  
 24 A. Secretary.  
 25 Q. Secretary.

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1 There is a treasurer?  
 2 A. Yes. I am also the treasurer.  
 3 Q. That's right. It was in your deposition.  
 4 Are there any other officers of the  
 5 corporation?  
 6 A. Yes, but very inactive. That would be R.H.  
 7 McAllister, assistant secretary.  
 8 Q. Is R.H. McAllister any relation to you?  
 9 A. Yes, uh-huh.  
 10 Q. What relation?  
 11 A. Father.  
 12 Q. You say very inactive. He is retired, I take  
 13 it?  
 14 A. Many years, yes.  
 15 Q. Other than the folks you have named, are there  
 16 any other officers of the corporation?  
 17 A. No.  
 18 Q. And other than these officers are there any  
 19 other - does Los Angeles By-Products have any employees?  
 20 A. Yes. We have some employees.  
 21 Q. How many employees in addition to the officers?  
 22 A. Oh, I need clarification.  
 23 MR. MONTES: Sure. You want to step outside?  
 24 THE WITNESS: No, just right here.  
 25 (Inaudible discussion between the witness and

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1 his counsel.)  
 2 BY MS. RONGONE: Q. Would you like me to repeat the  
 3 question?  
 4 A. No. I am counting right now.  
 5 Q. Okay.  
 6 A. We have eight.  
 7 Q. And since there are so few, I am just asking  
 8 you if you can name them and tell me what their jobs are.  
 9 A. Uh-huh. Robert McAllister, credit manager.  
 10 Q. Yes.  
 11 A. Tammy Villareal, bookkeeper. Julie Clayton,  
 12 bookkeeper. Scott VanGorden, landfill manager;  
 13 Marcileno - what's his last name? He also has a brother  
 14 same last name. I will think about it later. Anyway,  
 15 Marcileno is a checker. Abe Ellis, his brother. Abe  
 16 Ellis, a cat operator. Marty Ameluxen.  
 17 Q. Ameluxen?  
 18 A. Yeah. I am not sure how you spell it. I  
 19 think it's A-m-e-l-u-x-e-n.  
 20 Q. E-M?  
 21 A. E-N, I believe that's - don't hold me to  
 22 that. Marty Ameluxen would be dozer operator, general  
 23 maintenance. And Henry Perez and Henry is the laborer.  
 24 Q. Is Robert McAllister your son?  
 25 A. Yes, uh-huh.

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1 Q. And is Scott VanGorden Mr. Claude VanGorden's  
 2 son?  
 3 A. Yes.  
 4 Q. Any relation between yourself or any of the  
 5 officers with the remaining employees, Miss Villareal, Miss  
 6 Clayton, Marcileno, Abe, Marty and Henry?  
 7 A. Any relationship to me? I didn't understand  
 8 your question.  
 9 Q. Is there any relationship between the  
 10 remaining employees and either yourself or any of the other  
 11 officers?  
 12 A. Oh, just Claude and Scott.  
 13 Q. Okay. And what business does Los Angeles  
 14 By-Products currently conduct?  
 15 A. We are in the solid inert landfill and I guess  
 16 you would classify property management for the other.  
 17 Q. Regarding the solid inert landfill business,  
 18 which landfills are still open?  
 19 A. Well, technically Strathern, and then it's  
 20 your interpretation on Penrose whether that's closed or  
 21 not.  
 22 Q. I won't open that subject again.  
 23 And then as to property management, can you be  
 24 more precise as to what you are referring to?  
 25 A. We own and rent some truck docks, truck  
 terminal, and we have a couple of small warehouses.

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1 Q. Where are the truck docks located?  
 2 A. City of Vernon.  
 3 Q. Of?  
 4 A. City of Vernon.  
 5 Q. Vernon?  
 6 A. Uh-huh.  
 7 Q. Okay.  
 8 I just have a few more questions about the  
 9 soil gas collection system at the Penrose Landfill. I  
 10 apologize if I asked you this before. It wasn't clear from  
 11 my notes.  
 12 Does Los Angeles By-Products do any regular  
 13 sampling of the landfill gas?  
 14 A. Yes.  
 15 Q. And -  
 16 (Inaudible discussion between counsel and the  
 17 witness.)  
 18 MS. RONGONE: You need clarification?  
 19 THE WITNESS: Yes.  
 20 (Whereupon the witness and his counsel exited  
 21 the room and subsequently returned.)  
 22 BY MS. RONGONE: Q. Would you like the question  
 23 read back?  
 24 A. Yes.  
 25 Q. Read it back.

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1 (Record read.)  
 2 THE WITNESS: Yes.  
 3 BY MS. RONGONE: Q. Is that done on some specific  
 4 periodic schedule?  
 5 A. Yes.  
 6 Q. What is the schedule?  
 7 A. Exact schedule, I don't know.  
 8 Q. In general, what do you know about the  
 9 schedule?  
 10 A. It's approximately once a month.  
 11 Q. And why does Los Angeles By-Products do this  
 12 approximately monthly sampling of the Penrose Landfill  
 13 gases?  
 14 A. Required by AQMD.  
 15 Q. Are reports prepared and submitted to AQMD of  
 16 these results?  
 17 A. Yes.  
 18 Q. And what does AQMD require L.A. By-Products to  
 19 test for?  
 20 A. I don't know what all items are. It's quite a  
 21 lengthy rule.  
 22 Q. Do you know if the items include PCE and TCE?  
 23 A. That's on a monthly basis? I don't believe  
 24 so. I don't know. I don't know.  
 25 Q. Is there other sampling that occurs on a

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1 different schedule?  
 2 A. Yes. The annual.  
 3 Q. Is that also done at the behest of AQMD?  
 4 A. Yes, it is.  
 5 Q. And what, if you know, do they test for  
 6 annually?  
 7 A. I don't know.  
 8 Q. Does it differ from what's tested for on a  
 9 monthly basis?  
 10 A. I believe so.  
 11 Q. Does it include more compounds?  
 12 A. I believe it does. I am just not sure what  
 13 they have, what's required.  
 14 Q. Whose job is it to deal with AQMD regarding  
 15 this sampling and submittal of reports?  
 16 A. It's a combination of about four of us.  
 17 Q. Which four is that?  
 18 A. Me, vice president, the credit manager, and  
 19 the Penrose Landfill manager.  
 20 Q. Is that Scott VanGorden?  
 21 A. Yes.  
 22 Q. What is your role in dealing with AQMD?  
 23 A. Make sure that the reports have been submitted  
 24 on a timely basis.  
 25 Q. Who do you deal with or who does Los Angeles

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1 By-Products deal with at the AQMD? Who is your contact  
 2 there?  
 3 A. I don't know.  
 4 Q. Whose job is it to deal directly with AQMD?  
 5 A. Be our engineering consultants.  
 6 Q. Who are your engineering consultants?  
 7 A. Sepich.  
 8 Q. Spell that.  
 9 A. S-E-P-I-C-H and Associates.  
 10 Q. Sepich and Associates.  
 11 Is there more than one particular individual  
 12 at Sepich and Associates that take charge of this work for  
 13 Los Angeles By-Products?  
 14 A. In particular?  
 15 Q. Yes.  
 16 A. You are just talking about the gas?  
 17 Q. Yes.  
 18 A. I would have to say it was probably Alex  
 19 Feught.  
 20 Q. Apologize for having to ask you to spell  
 21 again.  
 22 A. I am not sure. I believe it's F-E-U-G-H-T.  
 23 Q. Does Sepich and Associates perform other work  
 24 for Los Angeles By-Products?  
 25 A. Yes, uh-huh.

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1 Q. What other work do they perform for Los  
2 Angeles By-Products?  
3 A. General engineering.  
4 Q. Do they do any other work of an engineering  
5 nature that is related to environmental conditions at  
6 landfills?  
7 A. I don't quite understand your question.  
8 Q. Well, I am trying to ask it in a general way  
9 so as not to inadvertently screen something out.  
10 A. Testing of landfill gases for the Air Quality  
11 Management District is environmental or environmentally  
12 based. The Air Quality Management District is in charge  
13 of  
14 monitoring certain environmental conditions; so is the  
15 Regional Water Quality Board, the NEPA, DTSC. So  
16 there's a  
17 host of other agencies.  
18 Q. Who is -  
19 A. Department of Toxics Substances Control. It's  
20 part of CAPA.  
21 Q. That's what I was getting at, whether Sepich  
22 and Associates did any other work besides the landfill gas  
23 sampling that is related to environmental conditions at Los  
24 Angeles By-Products landfill properties?  
25 A. I don't know.  
Q. What types of general engineering do they do  
for Los Angeles By-Products?

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1 A. They do some civil. They have been in charge  
2 of constructing a road. General services. They also  
3 reviewed the closure, closure job to make sure it was  
4 done  
5 in accordance with all the rules and regulations.  
6 Q. And in reviewing the closure job, can you be  
7 more precise about what tasks they undertook; for instance,  
8 did they review the SWAT reports or other documentation?  
9 A. I don't believe they have ever reviewed the  
10 SWAT.  
11 Q. How do they go about determining whether the  
12 closure was in compliance with rules and regulations?  
13 A. I would assume they look at the rules and  
14 regulations and then they look at what was done and go  
15 from  
16 there.  
17 Q. Right. But how do they go about reviewing  
18 what was done?  
19 A. I don't know. Inspections, I would assume.  
20 Q. Did they provide Los Angeles By-Products with  
21 a written report of their conclusions?  
22 A. No.  
23 Q. Do did they advise Los Angeles By-Products of  
24 their conclusions?  
25 A. I guess it would be on an informal basis.  
Q. I don't understand what you mean.  
A. I don't understand what you are after either.

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1 Q. You are telling me they did some work for  
2 you?  
3 A. Uh-huh.  
4 Q. They reviewed certain closure conditions to  
5 ensure that they were in compliance with rules and  
6 regulations?  
7 A. Uh-huh.  
8 Q. My question is simply whether after having  
9 done that they told L.A. By-Products what their conclusion  
10 was based on their review?  
11 A. Told us in an informal way, looked like  
12 everything was okay.  
13 Q. And who at Sepich and Associates was in  
14 charge of that particular task, the review?  
15 A. I would have to say it would probably be Ed  
16 Collins.  
17 Q. When you say they informed you informally, was  
18 that communication verbal?  
19 A. I believe so, yeah.  
20 Q. Was it directly to you?  
21 A. I don't know. I don't remember.  
22 Q. You became aware of it somehow though?  
23 A. Uh-huh.  
24 Q. Did they advise Los Angeles By-Products  
25 formally or informally that there was any part of the

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1 closure that was not in compliance with rules and  
2 regulations?  
3 A. Not to my knowledge.  
4 Q. Did they in the course of advising you of  
5 their conclusions express any concern about any particular  
6 condition at the site?  
7 A. In regards to what?  
8 Q. Well, in regards to anything they had a  
9 concern about.  
10 MR. MONTES: Objection. That is really a vague,  
11 general question. It could be it will bring up a multitude  
12 of non-relevant issues here in terms of what's going on,  
13 what problems they encounter during the closure process.  
14 Can you narrow it down to environmental  
15 issues?  
16 MS. RONGONE: I could but I am afraid the witness  
17 would then say, "I am not sure what you mean by that." So  
18 I am going to leave the question the way it is and see if  
19 he can answer it.  
20 THE WITNESS: I can't answer it.  
21 BY MS. RONGONE: Okay. Did they express any -  
22 well, let's put it this way: Did in the course of advising  
23 Los Angeles By-Products of their conclusions based on their  
24 review of the closure to determine if it was in compliance  
25 with rules and regulations express any concern that any

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- 1 particular rule or regulation was only partially complied  
2 with?  
3 A. No.  
4 Q. Did they express any concern that any  
5 condition at the site which impacts on environmental  
6 matters was a problem?  
7 A. What's your definition of environmental  
8 problems?  
9 Q. Environmental problems include the presence  
10 and/or release or leaching or emission or spilling or any  
11 other transfer of contaminants or pollutants to the  
12 environment, and the environment includes earth, water and  
13 air.  
14 A. The answer is no.  
15 Q. Did Sepich and Associates identify any  
16 problems whatsoever with the closure?  
17 A. No.  
18 Q. When did Sepich and Associates perform this  
19 review?  
20 A. During closure.  
21 Q. Well, we had a long talk last time about  
22 closure and how, depending on your point of view, it was  
23 still going on, or, from someone else's point of view it  
24 was over with. So can you be more precise?  
25 A. Well, they were out there during the closure

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- 1 and after the closure.  
2 Q. Were they out there this year?  
3 A. Yes.  
4 Q. Were they out there last year?  
5 A. Yes.  
6 Q. Were they out there in 1994?  
7 A. Yes.  
8 Q. How about in 1993?  
9 A. I don't know when we first hired them.  
10 MS. RONGONE: Once again I think any documentation  
11 in Los Angeles By-Products' possession or control  
12 concerning the work done by Sepich and Associates should  
13 be produced unless there is a claim of privilege.  
14 MR. MONTES: On what basis do you have -  
15 MS. RONGONE: It certainly sounds as if they  
16 performed work related to environmental closure, and that  
17 certainly is within the scope of our -  
18 MR. MONTES: Not environmental. I would not say  
19 environmental closure. They had nothing to do with  
20 environmental concerns over at the landfill.  
21 MS. RONGONE: Well, Mr. McAllister has testified  
22 that this was done to ensure that the landfill was in  
23 compliance with rules and regulations.  
24 MR. MONTES: To close the landfill.  
25 BY MS. RONGONE: Q. Mr. McAllister, whose rules and

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- 1 regulations were Sepich and Associates ensuring that Los  
2 Angeles By-Products was in compliance with? What  
3 agencies?  
4 A. The Integrated Waste Management Board,  
5 Regional Water. I don't know if the AQMD got involved in  
6 that or not. And there are probably some other agencies  
7 out there that I am not aware of.  
8 Q. Based on that answer they were doing work that  
9 was environmentally related, and we would request that that  
10 documentation be produced.  
11 Other than the monthly and annual sampling of  
12 the landfill gases for the AQMD, does Los Angeles  
13 By-Products perform or have performed on its behalf any  
14 other sampling of the landfill gases?  
15 A. When?  
16 Q. Currently, within the last year, say.  
17 A. No, not to my knowledge.  
18 Q. How about in previous years and historically?  
19 A. I don't remember.  
20 Q. I think you said last time, but correct me if  
21 I am wrong, that Pacific Energy also -  
22 A. Excuse me. There was some more done in  
23 previous years because we had the SWAT done.  
24 Q. So some landfill gas sampling and analyses  
25 were done in relation to the SWAT?  
A. I believe so, yeah.

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- 1 Q. And what consultant or persons performed the  
2 landfill gas sampling in relation to the SWAT?  
3 A. I believe they were called Mandeville  
4 Associates.  
5 Q. Who was the individual or individuals at  
6 Mandeville Associates that Los Angeles By-Products dealt  
7 primarily with?  
8 A. Dick Mandeville.  
9 Q. Do you know an address for Mandeville and  
10 Associates?  
11 A. I don't believe they are even in existence  
12 today.  
13 Q. Do you know how to get in touch with Dick  
14 Mandeville?  
15 A. No.  
16 Q. Has Mandeville Associates evolved into some  
17 other firm?  
18 A. Yes.  
19 Q. What's the successor firm?  
20 A. Kleinfelder, and I don't know if that is the  
21 full name.  
22 Q. Kleinfelder?  
23 A. Uh-huh.  
24 Q. Do you know where Kleinfelder is located?  
25 A. They were out near the AQMD.

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1 Q. In what town?  
 2 A. I don't know.  
 3 Q. In the greater Los Angeles area?  
 4 A. Yes -- well, it's very close to AQMD.  
 5 Q. I don't know where AQMD is. That's why I  
 6 asked.  
 7 A. In southern California.  
 8 Q. In southern California.  
 9 And where is Sepich and Associates located?  
 10 A. I believe it's Westlake.  
 11 Q. Does Kleinfelder currently perform any work  
 12 for Los Angeles By-Products?  
 13 A. No.  
 14 Q. Then other than the work done for the SWAT and  
 15 the annual and monthly sampling currently done for the  
 16 AQMD, do you know of any other landfill gas sampling or  
 17 analyses that Los Angeles By-Products had performed at the  
 18 Penrose landfill?  
 19 A. Offhand, no, unless Law did some in the  
 20 previous years. I just don't remember.  
 21 Q. Now Pacific Energy also samples the landfill  
 22 gases?  
 23 A. I would assume.  
 24 Q. Do you know how often?  
 25 A. I have no idea.

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1 Q. Do you know what they sample for?  
 2 A. No.  
 3 Q. Do they provide Los Angeles By-Products with  
 4 their reports?  
 5 A. Reports?  
 6 Q. Let me revise that, with the results of their  
 7 sampling.  
 8 (Inaudible discussion between the witness and  
 9 his counsel.)  
 10 THE WITNESS: Yes.  
 11 BY MS. RONGONE: Q. Have you ever reviewed those  
 12 results?  
 13 A. No.  
 14 Q. Is there anybody at Los Angeles By-Products  
 15 whose job it is to review those results?  
 16 A. Well, yeah. It would be the four of us, any  
 17 of the four of us.  
 18 Q. So the same four you named a few minutes ago?  
 19 A. Yes, uh-huh.  
 20 Q. But it sounds like you don't make it a  
 21 priority. Is there someone that you know of who does take  
 22 the time to review those reports?  
 23 A. Well, currently, it would be Robert or Ted.  
 24 Ted does it too.  
 25 Q. And do you know approximately how often

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1 Pacific Energy provides Los Angeles By-Products with the  
 2 sample results.  
 3 A. Yeah, once a year. It's not reports. It's  
 4 just a report.  
 5 Q. Do you know whether they sample for PCE or TCE?  
 6 A. No.  
 7 Q. Do you know if they provide their sampling  
 8 results to any regulatory agencies?  
 9 A. Knowing for sure, no, I don't know for sure.  
 10 Q. Do you have an understanding as to whether  
 11 they do?  
 12 A. I would assume it would go to AQMD but --  
 13 Q. Does Los Angeles By-Products do any periodic  
 14 or regular sampling of the groundwater at the site --  
 15 excuse me -- I mean the Penrose Landfill?  
 16 A. Currently?  
 17 Q. Yes, for this question currently.  
 18 A. No.  
 19 Q. Has it ever done so?  
 20 A. Yes.  
 21 Q. When did it conduct sampling of the  
 22 groundwater?  
 23 A. I don't remember.  
 24 Q. Can you say whether it was within the last ten  
 25 years?

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1 A. Yes.  
 2 Q. Was it within the last five years?  
 3 A. I don't believe so.  
 4 Q. Was it prior to the last ten years?  
 5 A. I don't remember when we had to put the wells  
 6 in.  
 7 Q. But to the best of your recollection then  
 8 within five to ten years ago there was sampling going on.  
 9 Is that about right?  
 10 A. Probably.  
 11 Q. And who performed that groundwater monitoring  
 12 for Los Angeles By-Products?  
 13 A. I will say Law. They have changed their names  
 14 about three times so I am not sure what name they were  
 15 going under at the time.  
 16 Q. It's the same firm that prepared the SWATs,  
 17 Law/Crandall, as they were done at that time -- or Law  
 18 Environmental?  
 19 A. Yes, but --  
 20 Q. And how often do they do the groundwater  
 21 sampling?  
 22 A. Memory serves me right, I believe it was  
 23 quarterly but I'm not sure.  
 24 Q. Were these results submitted to any regulatory  
 25 agencies?

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1 A. Yes.  
 2 Q. What agency or agencies were they submitted to?  
 3 A. I believe that was submitted to the Regional  
 4 Water Quality.  
 5 Q. What does Pacific Energy do with the landfill  
 6 gas that it takes from the Penrose site?  
 7 A. Exactly what they do with it?  
 8 Q. Well, your best understanding of what they do  
 9 with it.  
 10 A. Well, generally they take the gas and burn it  
 11 in their engines.  
 12 Q. So it's a source of fuel for them basically?  
 13 A. Yes.  
 14 Q. What do they use their engines to drive?  
 15 A. Some type of a power source, whether it be an  
 16 alternator or a generator. I would assume it would be a  
 17 generator.  
 18 Q. Is Los Angeles By-Products currently  
 19 conducting any regulatory compliance measures such as  
 20 monitoring perhaps either at the soil groundwater or air  
 21 conditions at the Penrose Landfill?  
 22 A. Yes.  
 23 Q. What are those?  
 24 A. We have ongoing the air for AQMD.  
 25 Q. That's right. We just talked about that.

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1 Other than the ongoing air sampling?  
 2 A. No, not to my knowledge right now.  
 3 Q. I am going to place before you Exhibit 8  
 4 which is Penrose and Newberry 1988 SWAT. It was identified  
 5 last time, I believe. Let me get my copy.  
 6 Off record, please.  
 7 (Discussion held off the record.)  
 8 BY MS. RONGONE: Q. I believe you had a chance to  
 9 look at this the other day and identified it as the 1988  
 10 SWAT. Do you recall the document?  
 11 A. Yes.  
 12 Q. Okay. Now do you have any knowledge or  
 13 information on which you base any disagreement with any of  
 14 the information or conclusions that's in the 1988 SWAT?  
 15 MR. MONTES: Well, I will object because it's - the  
 16 document is, what, an inch thick? You expect him to review  
 17 it right now?  
 18 MS. RONGONE: No. Let me ask a few foundational  
 19 questions.  
 20 Q. Have you reviewed this 1988 Penrose SWAT in  
 21 the past?  
 22 A. Yeah, I probably reviewed it in 1988.  
 23 Q. Okay. At the time it was prepared?  
 24 A. That's right.  
 25 Q. And it was prepared for Los Angeles

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1 By-Products by Law Environmental; is that correct?  
 2 A. Yes.  
 3 Q. And it was prepared for the purpose of  
 4 submittal to the Regional Water Quality Control Board; is  
 5 that correct?  
 6 A. Yes.  
 7 Q. Now Los Angeles By-Products had Law/Crandall  
 8 prepare this report based on investigations of the Penrose  
 9 and Newberry landfill; is that correct?  
 10 A. No. We had them prepare it because that was  
 11 the law.  
 12 Q. Yes. I didn't say the reason why. I said  
 13 they based that on their own investigations of the two  
 14 landfills; is that correct?  
 15 (Inaudible discussion between the witness and  
 16 his counsel.)  
 17 THE WITNESS: I don't know.  
 18 BY MS. RONGONE: Q. To the best of your knowledge  
 19 how did they go about preparing the SWAT report?  
 20 A. They went out on the site and conducted the  
 21 tests in accordance with the rules and regs.  
 22 Q. That's all I was getting at.  
 23 A. The Calderon Act.  
 24 Q. That's what I was getting at. They went out  
 25 and conducted whatever evaluations of the two properties

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1 they needed to in order to prepare a report in compliance  
 2 with regulations. Is that your understanding?  
 3 A. Yes.  
 4 MR. MONTES: Excuse us for a second.  
 5 MS. RONGONE: Yes.  
 6 (Whereupon the witness and his counsel exited  
 7 the room.)  
 8 (Break taken.)  
 9 BY MS. RONGONE: Q. I guess we are back on the  
 10 record. Did you obtain the clarification you needed?  
 11 A. I don't remember what the question was.  
 12 Q. Have the question reread.  
 13 (Record read.)  
 14 BY MS. RONGONE: Q. Is that still your answer?  
 15 A. Yes.  
 16 Q. You, yourself, did not personally participate  
 17 in those investigations?  
 18 A. No.  
 19 Q. Now in reviewing the report back in 1988 when  
 20 it was prepared, did you - do you recall seeing anything  
 21 in the report in terms of the information that was in it or  
 22 the conclusions that were drawn that you disagreed with?  
 23 A. No, I don't remember.  
 24 Q. And since that time have you received any  
 25 information that has led you to believe that the

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1 information or conclusions in the 1988 SWAT are incorrect?  
2 A. Well, I don't remember what the conclusions  
3 were in here; so I don't remember.  
4 Q. The question, though, is not whether you  
5 remember everything that is in there, but whether at any  
6 time since it was prepared you have been provided with  
7 information or otherwise been informed that anything in the  
8 report is not correct?  
9 A. I don't know. I guess the answer is no. I  
10 don't know.  
11 Q. Okay. So currently?  
12 A. I don't remember what the conclusions were so  
13 I can't - you are asking, you know, do I remember? No, I  
14 don't remember.  
15 Q. Actually I am not asking you if you remember.  
16 I am asking you if even if you don't remember specifics,  
17 has there been an instance since the report was prepared in  
18 which you were provided with information that the report  
19 was incorrect in any respect or that led you to believe  
20 that the report was incorrect in any respect even if you  
21 don't remember exactly what the information was or exactly  
22 what you thought, just whether that has occurred?  
23 A. Sounds like you are asking me to say something  
24 that I don't really remember. This is back in 1988.  
25 Q. My question is since then.

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1 A. But I can't reflect it back into the report  
2 because I don't remember what the report was all about.  
3 Q. Okay. So at least as you sit here today you  
4 don't recall any instance such as I have described?  
5 A. Well, I wouldn't be sitting here in front of  
6 you probably if there wasn't something wrong. I don't  
7 know  
8 know how to answer.  
9 MR. MONTES: I think the witness has made it clear  
10 he doesn't remember or does not know.  
11 MS. RONGONE: Well, he has said what he has said,  
12 and I am just trying to find out if there is anything he  
13 knows as he sits here today that would lead him to believe  
14 that this report is not correct or if he in any way  
15 disagrees with it. And it's a fairly standard question and  
16 it's not a trick question.  
17 THE WITNESS: I don't know.  
18 BY MS. RONGONE: Q. Has anyone ever told that you  
19 this report was incorrect in any respect?  
20 MR. MONTES: Objection. Overbroad. Includes  
21 attorney-client.  
22 BY MS. RONGONE: Q. With the exception, of course,  
23 with any conversations you have had directly with your  
24 attorneys.  
25 A. No.  
Q. And as you sit here today you have no current

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1 information that would lead you to believe that this report  
2 is incorrect?  
3 MR. MONTES: Again, I think he has already answered  
4 that.  
5 MS. RONGONE: I don't know. I don't think he has.  
6 THE WITNESS: I don't know.  
7 BY MS. RONGONE: Q. He has now.  
8 If I could refer you to page 3 of the report  
9 which is Exhibit 8. Now the text page 3. You are in the  
10 table of contents. There is a reference at the top of the  
11 page next to capital letter E, sentence states: "No  
12 present enforcement orders or administrative civil  
13 liabilities, complaints."  
14 And if you refer back to the previous page,  
15 you see this is part of a description of the Penrose  
16 Landfill.  
17 My question to you is whether you know of any  
18 enforcement orders or administrative civil liability  
19 complaints that have been brought against Los Angeles  
20 By-Products related to the Penrose landfill at any time?  
21 MR. MONTES: Other than the present action?  
22 MS. RONGONE: Yes, which by the way is not an  
23 enforcement order or administrative civil liability  
24 complaint.  
25 THE WITNESS: Then what is an enforcement order or

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1 civil liability complaint?  
2 BY MS. RONGONE: Q. Okay. An enforcement order is  
3 something, for instance, that EPA can do but has not done  
4 in this case, which is to simply order someone to do work.  
5 You know, drill a well or clean up a mess or sample  
6 landfill gas or what have you. That would be the nature of  
7 an enforcement order. It would also include an order to  
8 pay money.  
9 An administrative civil liability complaint  
10 usually has to do with levying civil penalties for some  
11 regulatory violation. So those are the types of things I  
12 am asking you if you know have ever occurred in relation to  
13 the Penrose Landfill?  
14 A. Administrative civil liability, the way you  
15 explained it, no. Enforcement orders, yes.  
16 Q. What enforcement orders have occurred in  
17 relation to the Penrose Landfill?  
18 A. Are you talking about a formal order to do  
19 something?  
20 Q. I am not sure I know what you mean by "formal"  
21 so I will say no, just an order to do something by a  
22 regulatory agency.  
23 A. Okay. Then yeah, we have been requested. I  
24 don't know ordered is a correct term.  
25 Q. And what requests have you received?

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1 A. Over the years, several.  
 2 Q. Just tell me the ones that you recall.  
 3 A. Picking up litter, repairing fences, bringing  
 4 low spots that have occurred in the landfill due to  
 5 subsidence, bringing back up to grade. I don't remember  
 6 any others.  
 7 Q. What agency or agencies are involved in these  
 8 particular requests that you have described?  
 9 A. That would be the local enforcement agency.  
 10 Q. Do you recall the name of it?  
 11 A. The local enforcement agency, that's  
 12 Environmental Affairs Department, I guess city of Los  
 13 Angeles.  
 14 Q. And other than these requests from the  
 15 Department of Environmental Affairs, City of Los Angeles,  
 16 you are not aware of any enforcement orders whether formal  
 17 or informal at the Penrose Landfill site?  
 18 A. Well, we were requested to put in the water  
 19 wells.  
 20 Q. Was that request by the Regional Water Quality  
 21 Control Board?  
 22 A. Yes.  
 23 Q. Other than the litter, the fence repair, the  
 24 repair of low spots due to subsidence, and the requirement  
 25 that you install water wells, are you aware of any

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1 enforcement orders whether formal or informal at the  
 2 Penrose Landfill?  
 3 A. AQMD requiring us to do the air monitoring  
 4 that we have discussed.  
 5 Q. Right. And I am not trying to go over the  
 6 same things over and over again. I just want to make sure  
 7 there is something I not missing.  
 8 So you have talked about the Air Quality  
 9 Management District, you have talked about the Regional  
 10 Water Quality Control Board, water monitoring, landfill gas  
 11 monitoring. You have described a few things just now  
 12 related to requirements by the Department of Environmental  
 13 Affairs.  
 14 Other than those things, are you aware of any  
 15 enforcement orders whether informal or - informal or  
 16 formal regarding the Penrose Landfill site?  
 17 A. Department of Building and Safety, I think it  
 18 was. I don't know how they did it but they wanted a  
 19 different type of a grade out there on the Penrose Landfill  
 20 site.  
 21 Q. Did we talk about this last time?  
 22 A. I don't remember.  
 23 Q. I don't want to take over you back old ground.  
 24 When was this request?  
 25 A. I don't remember.

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1 Q. In general?  
 2 A. Years ago.  
 3 Q. More than five years?  
 4 A. Probably. I don't remember.  
 5 Q. Do you remember if it was more than ten years?  
 6 A. No, I don't believe so.  
 7 Q. So somewhere between five and ten years ago?  
 8 A. Normally that division doesn't get involved.  
 9 It's local enforcement agency.  
 10 Q. Is this the city of Los Angeles, Department of  
 11 Building and Safety?  
 12 A. Yes. And I am not even sure it was Building  
 13 and Safety but it was another department that normally  
 14 we never hear from.  
 15 Q. What change in the grade of the landfill did  
 16 they require?  
 17 A. I don't remember.  
 18 Q. Was it a change in the grade that they  
 19 required?  
 20 A. I believe that's what they were after.  
 21 Q. Do you recall why they wanted a change in the  
 22 landfill grade?  
 23 A. They were concerned about water runoff.  
 24 Q. Did Los Angeles By-Products comply with their  
 25 requirement of a grade change at the Penrose Landfill?

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1 A. I don't know.  
 2 Q. You don't know or you don't remember?  
 3 A. I - both. I don't remember and I don't -  
 4 yeah.  
 5 Q. Do you recall that there was any problem with  
 6 compliance?  
 7 A. I believe that was an overlap of rules and  
 8 regulations dealing with the two departments. That's the  
 9 local enforcement agency and the Department of Building  
 10 and Safety.  
 11 Q. So is it your recollection then that Los  
 12 Angeles By-Products might have declined to comply because  
 13 of the overlap in regulations?  
 14 A. I don't remember but we go by the local  
 15 enforcement agency. They have jurisdiction because they  
 16 represent the state of California also.  
 17 Q. I see. Was there a conflict between what  
 18 Building and Safety wanted and what the Department of  
 19 Environmental Affairs wanted?  
 20 A. Yes.  
 21 Q. I see. So is it your recollection then that  
 22 because of that conflict Los Angeles By-Products had a  
 23 concern about complying with Building and Safety  
 24 requirement?  
 25 A. Yes, I think so.

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1 Q. Do you recall if it got resolved?  
 2 A. No, I don't recall.  
 3 Q. Other than the grading issue which you have  
 4 just described, the gas sampling for the air quality  
 5 management district, the water well sampling for the  
 6 Regional Water Quality Control Board, and our AQMD  
 7 requirements, the compliance with requirements by the  
 8 Department of Environmental Affairs to pick up litter,  
 9 repair fences, repair low spots due to subsidence and bring  
 10 the landfill up to grade, can you recall any other  
 11 enforcement orders that have ever been addressed to the  
 12 Penrose Landfill site?  
 13 A. Yes.  
 14 Q. And what are those?  
 15 A. I believe it was from the L.A. County Health,  
 16 and there was a complaint from a school that there were  
 17 flies coming over from the landfill to the school.  
 18 Q. To the best of your recollection, how long ago  
 19 did that occur?  
 20 A. I don't remember.  
 21 Q. Any other enforcement orders besides those  
 22 that I just detailed and the one you added regarding County  
 23 health?  
 24 A. I can't remember any.  
 25 Q. Okay. If I could refer you to page five of

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1 the 1988 SWAT report, the paragraph at the top of the page.  
 2 Have you found the page?  
 3 MR. MONTES: No.  
 4 BY MS. RONGONE: Q. The paragraph at the top of the  
 5 page states that, quote: "The gas extraction system has  
 6 been in operation since the early 1980s. Currently control  
 7 of landfill gas is considered good. The continuing  
 8 settlement occasionally damages pipes or wells requiring  
 9 some down time but on the whole the system is presenting -  
 10 is preventing off-site migration."  
 11 First of all, is that statement that the gas  
 12 extraction system has been in operation since the early  
 13 1980s consistent with your recollection?  
 14 A. Well, it's refreshing. I don't remember when  
 15 it went in so -  
 16 Q. Does it refresh your recollection?  
 17 A. Just that it says right here the early 1980s.  
 18 Without going back in the record, I don't know.  
 19 Q. Okay. The next statement is that "currently  
 20 control of landfill gas is considered good."  
 21 Are you aware of any situations when control  
 22 of landfill gas was not good?  
 23 A. In 1988?  
 24 Q. No, at any time.  
 25 A. At any time?

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1 Q. Yes.  
 2 A. Yes.  
 3 Q. When was that?  
 4 A. I don't know.  
 5 Q. What's the basis of your answering yes?  
 6 A. I can remember people complaining we could  
 7 possibly have some gas migrating off site.  
 8 Q. Who complained about that?  
 9 A. I believe it was Local enforcement agency.  
 10 Q. The Department of -  
 11 A. But not at that time. We are going back prior  
 12 to the establishment of this department.  
 13 Q. When you say not at that time, you were  
 14 pointing at SWAT reports?  
 15 A. Well, we were talking about way back in  
 16 history prior to the 1980s. Local enforcement agency  
 17 wasn't in existence. It was Street Use.  
 18 Q. Let me make sure I understand what you are  
 19 saying. At some time prior to the 1980s you were aware  
 20 that the Local enforcement agency complained that there  
 21 could be off-site migration, but the Local enforcement  
 22 agency wasn't the same agency as it is today?  
 23 A. That's correct.  
 24 Q. Okay. Do you recall the name of the Local  
 25 enforcement agency at the time you are describing?

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1 A. I believe it was Street Use.  
 2 Q. Okay. Street Use. That was the same of the  
 3 agency?  
 4 A. Yeah, under Department of Public Works, I  
 5 believe.  
 6 Q. Let me see if I - is that the same agency  
 7 that regulated dumps? Is that what you are thinking of?  
 8 A. Yes.  
 9 Q. I was looking to see if I had a reference to  
 10 the actual name. Bureau of Street Maintenance, does that  
 11 sound correct?  
 12 A. You had a letter from last time.  
 13 (Inaudible discussion between the witness and  
 14 his counsel.)  
 15 BY MS. RONGONE: Q. Yes. I believe you might have  
 16 been mentioning Exhibit 3 which is a letter to the chief  
 17 Street Use inspector, Bureau of Street Maintenance. Is  
 18 that what you were recalling?  
 19 A. Looks like it.  
 20 Q. Okay. Just like to get the record accurate  
 21 when I can.  
 22 And what complaints did you receive from the  
 23 Bureau of Street Use?  
 24 A. I don't remember.  
 25 Q. In general, though, it was complaints that

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1 there might be off-site migration of landfill gases?  
2 A. That's what they were concerned.  
3 Q. This was before the eighties; is that correct?  
4 A. Well, I don't know.  
5 Q. It was before the 1988 SWAT which is Exhibit  
6 8; is that correct?  
7 A. That's correct.  
8 Q. And it was - actually it was before it  
9 changed its name to Environmental Affairs, or at least  
10 before the Local enforcement agency became Environmental  
11 Affairs; is that correct?  
12 MR. MONTES: Well, at least before they changed  
13 their stationery.  
14 BY MS. RONGONE: Q. I don't know whether it's the  
15 same agency or not. That's why I asked it that way.  
16 A. I don't know.  
17 Q. Well, as you testified before, it was back  
18 when the Local enforcement agency was Street Use, as you  
19 have described it?  
20 A. No, I don't believe that they were Local  
21 enforcement agency at that time.  
22 Q. Okay. In general, was it - was it more than  
23 five years before the 1988 SWAT?  
24 A. I have no idea.  
25 Q. Do you remember it occurring back in the

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1 sixties or seventies?  
2 A. I don't remember.  
3 Q. Just sometime before?  
4 A. Yes.  
5 Q. Other than complaints by Street Use sometime  
6 prior to the preparation of the 1988 SWAT for Penrose, are  
7 you aware of any other situations where control of the  
8 landfill gas was not good at the Penrose Landfill?  
9 A. I can't remember right now.  
10 Q. Okay. The next statement in the SWAT is that  
11 "the continuing settlement occasionally damages pipes or  
12 wells requiring some down time."  
13 I will stop there even though the sentence  
14 goes on.  
15 Do you know of any instances where damage to  
16 pipes or wells required some down time in the landfill gas  
17 control system?  
18 A. I think that needs some clarification. A  
19 particular well, if it goes out, has to be repaired. That  
20 doesn't take the system down.  
21 Q. Right. Well, I didn't write it so I am just  
22 trying to make sure I understand the report and what  
23 information went into it.  
24 Are you aware of any situation where damage to  
25 pipes did require some down time, even though I understand

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1 you to be saying that it would not always?  
2 A. To a particular well?  
3 Q. Could be to a particular well. Could be to  
4 more than one well. I don't know.  
5 A. I had heard, yes.  
6 Q. What did you hear?  
7 A. That we had a break in a well and we had to  
8 fix that particular well, and I don't even remember which  
9 well it was.  
10 Q. Was it one of the - which kind of well?  
11 A. Gas well.  
12 Q. And -  
13 A. I thought that's what we were discussing.  
14 Q. It is what we were discussing. I just wanted  
15 to make sure the record is clear.  
16 Entirely my fault for not repeating exactly  
17 what I mean in every question. I am doing my best, I  
18 promise you.  
19 Do you recall whether that happened once or  
20 more than once?  
21 A. Oh, I don't remember.  
22 Q. Well, the time you heard about, approximately  
23 when did that occur?  
24 A. I don't know. I have no idea.  
25 Q. Was it before the preparation of the 1988

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1 SWAT?  
2 A. Yes.  
3 Q. And how long was it before it could be  
4 repaired?  
5 A. I remember them repairing it the day they  
6 found out.  
7 Q. Who is they?  
8 A. At that time I don't know.  
9 Q. Was it Los Angeles By-Products' employees or  
10 outside consultants?  
11 A. No. It was L.A. By-Products.  
12 Q. How long was it broken before they found out?  
13 A. I have no idea.  
14 Q. Was there a system for alerting Los Angeles  
15 By-Products if the gas collection system went down?  
16 A. At that time we burned it and yes, we did have  
17 an alarm system.  
18 Q. At that time L.A. By-Products burned the gas?  
19 A. Yeah. And if the flare went out, it would  
20 automatically shut the gas out until it was relit.  
21 Q. Would the flare go out if just one well went  
22 down?  
23 A. I don't know.  
24 Q. But the flare fed on more than one well; is  
25 that correct?

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1 A. Yes, uh-huh. Well, mostly.  
 2 Q. You don't know if the flare would go out if  
 3 there was just one well that was down; is that correct?  
 4 A. If there was only one flare for a particular  
 5 well then that well went down.  
 6 Q. Was there more than one flare?  
 7 A. Yes.  
 8 Q. And how many flares?  
 9 A. Sometimes.  
 10 Q. How many flares were there at the maximum?  
 11 A. I believe we had three or four.  
 12 Q. And how many wells were there?  
 13 A. I don't remember.  
 14 Q. More than one for each flare?  
 15 A. I believe usually. There may be some  
 16 circumstances where it wasn't.  
 17 Q. Other than the flare going out was there any  
 18 other mechanism for alerting Los Angeles By-Products if one  
 19 of the wells went down?  
 20 A. I don't believe so.  
 21 Q. And what do you remember hearing about it,  
 22 about the instance you have been describing where this  
 23 particular well went down? You mentioned that you think  
 24 they repaired it the same day. What do you remember  
 25 hearing about it?

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1 A. Just that the subsidence probably broke it,  
 2 and I believe they went out and just repaired it. I don't  
 3 know. I wasn't out there.  
 4 Q. Why don't we go off record.  
 5 (Discussion held off the record.)  
 6 (Break taken.)  
 7 BY MS. RONGONE: Q. Also on page 5, Mr. McAllister,  
 8 I believe you may have been asked about this before but I  
 9 just want to make sure we are clear. The next paragraph  
 10 states: "The site is unlined and has no leachate  
 11 collection system." I will stop there even though the  
 12 sentence goes on.  
 13 Are both of those statements accurate to the  
 14 best of your knowledge?  
 15 A. Yes.  
 16 Q. Okay. Go to page 22. The second sentence in  
 17 the first paragraph on that page under the title "Waste  
 18 Characteristics Penrose Landfill" states: "It is well  
 19 established that trace amounts of hazardous substances are  
 20 normally present in solid waste. And it is also known that  
 21 some materials were not classified as hazardous at the time  
 22 they were received but are now prohibited. Examples are  
 23 asbestos products and dry cleaning filter pads. Still  
 24 other hazardous substances are decomposition products of  
 25 other materials such as vinyl chloride."

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1 As you sit here today, do you have any  
 2 information which would lead you to disagree with that  
 3 statement?  
 4 A. I wouldn't agree or disagree.  
 5 (Inaudible discussion between the witness and  
 6 his counsel.)  
 7 MS. RONGONE: Could I have the question and answer?  
 8 (Record read.)  
 9 THE WITNESS: To my recollection, the dry cleaning  
 10 filter pads I believe were serviced by special people at  
 11 dry cleaning establishments.  
 12 BY MS. RONGONE: Q. Let me go back just a moment.  
 13 We will come back to that.  
 14 Why would you neither agree nor disagree with  
 15 the statement that I just read out?  
 16 A. Because there is a lot of things in here.  
 17 It's too technical. I wouldn't know.  
 18 Q. So you don't have any information one way or  
 19 the other to lead you to agree or disagree with what's  
 20 here?  
 21 A. Other than the way it's written here, yeah.  
 22 Q. Is there a different way it should be  
 23 written?  
 24 A. No, just it's too technical for me. There is  
 25 a lot of things I wouldn't understand.

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1 Q. Which part of it do you not understand?  
 2 A. Well, she, or whoever wrote this, I don't know  
 3 who wrote this - such as vinyl chloride products, the way  
 4 still other hazardous substance are decomposition  
 5 products  
 6 of other materials. I don't understand the process of lots  
 7 of those.  
 8 Q. Okay. I understand. Anything else in the two  
 9 or three sentences that I read out that you do not  
 10 understand?  
 11 A. Well, they are saying that trace amounts of  
 12 hazardous substances are normally present in solid  
 13 waste.  
 14 I don't know that.  
 15 Q. You don't know that but do you have -  
 16 A. No.  
 17 Q. - any reason to dispute it?  
 18 A. I have quite a bit. The way that we inspect  
 19 our loads, it would really have to be by accident that they  
 20 were there if they were there at all.  
 21 Q. So what you are saying is that if there were  
 22 trace amounts of hazardous substances in solid waste  
 23 received at the Penrose Landfill, that would have been by  
 24 accident?  
 25 A. Yeah, or somebody really trying to get around  
 the law.  
 Q. Do you have an understanding of what's meant

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- 1 by trace amounts of hazardous substances?  
 2 A. No. I was going to ask you what –  
 3 Q. Well, I don't know. I mean I can tell you but  
 4 I don't know that that would lead us any further. I was  
 5 trying to get your understanding.  
 6 A. Okay.  
 7 Q. We can maybe talk about it when we are off the  
 8 record.  
 9 So you don't really know what a trace amount  
 10 is?  
 11 A. Must be fairly small. That's all I know.  
 12 Q. Did you ever discuss this statement in the  
 13 SWAT that I just read out, those two or three sentences or  
 14 their import, with Law Environmental?  
 15 A. No.  
 16 Q. Other than your attorneys did you ever discuss  
 17 those statements with anyone?  
 18 A. I don't remember, no.  
 19 Q. So just to sum up, you are not exactly  
 20 certain, although you suspect what small trace amounts  
 21 mean, and you don't understand some of these statements?  
 22 A. What are these statements?  
 23 Q. Well, these statements I just read out, these  
 24 two or three sentences on page 22.  
 25 A. Yeah, it bothers me. Decomposition products

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- 1 of other materials. What is that?  
 2 Q. That's the only part you don't understand,  
 3 the reference to decomposition products?  
 4 A. Of this report? No, there may be lots of  
 5 things I don't understand.  
 6 Q. Of the two or three sentences that I just read  
 7 on it.  
 8 A. Yeah, that's correct.  
 9 Q. Okay. Do you agree or disagree with the  
 10 statement, "It is also known that some materials were not  
 11 classified as hazardous at the time they were received but  
 12 are now prohibited"?  
 13 A. Yes. I would have to go along with what I  
 14 see.  
 15 (Inaudible discussion between counsel and his  
 16 witness.)  
 17 MS. RONGONE: Could I have the answer again?  
 18 (Record read.)  
 19 THE WITNESS: Was there a question? I'm sorry.  
 20 MS. RONGONE: No, I believe you answered the  
 21 question.  
 22 Q. You mentioned when I first started asking you  
 23 about these statements on page 22, something about dry  
 24 cleaning filter pads being handled in a particular way.  
 25 Could you elaborate on that?

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- 1 A. Not really.  
 2 Q. Could you repeat it?  
 3 A. Yeah. As I understand it, in a dry cleaning  
 4 establishment had a service provided for them.  
 5 Q. What's your understanding based on?  
 6 A. Just hearsay.  
 7 Q. What's the nature of the service, if you know?  
 8 A. I don't know.  
 9 Q. Was it some kind of service to take care of  
 10 used dry cleaning filter pads?  
 11 A. I had heard that, and the fluid was picked up  
 12 and replenished with whatever they require. I don't even  
 13 know what they require.  
 14 Q. Let me refer to you page 31 of the report. At  
 15 the bottom of the page, the sentence appears under the  
 16 heading "Hazardous Materials On Site, Penrose Landfill, no  
 17 leachate has been found at the site and the landfill gas  
 18 contains only trace amounts of solvents."  
 19 Do you have – I would like to focus on the  
 20 second part of the sentence, that the landfill gas contains  
 21 only trace amounts of solvents.  
 22 What solvents are you aware that the landfill  
 23 gas at the Penrose Landfill contained?  
 24 A. I don't know.  
 25 Q. Do you have any reason to disagree with the

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- 1 statement that the landfill gas contains only trace amounts  
 2 of solvents?  
 3 A. I don't have enough knowledge to know to agree  
 4 or disagree.  
 5 Q. Let me refer you to figure one, and it appears  
 6 immediately after page 4. Just want to orient us really.  
 7 Make sure we have both in mind the location or relative  
 8 location of Well 4918 and Well 4918A. Do you see those  
 9 there depicted on Figure 1?  
 10 A. Yes.  
 11 Q. Would you agree that 4918 is depicted as being  
 12 northwest of Well 4918A?  
 13 A. Yes.  
 14 Q. And is it your understanding that the  
 15 direction of groundwater at the Penrose site is in general  
 16 from northwest to southeast?  
 17 A. No.  
 18 Q. Do you have a different understanding?  
 19 A. No. As I understand it, it varies from time  
 20 to time.  
 21 Q. Varies from what to what?  
 22 A. From what did you say, north to south?  
 23 Q. Northwest to southeast?  
 24 A. Yeah. We have all – I have always thought of  
 25 it going from north to south but you are being a little bit

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1 more technical so -  
2 Q. Your general understanding is that it goes  
3 north to south?  
4 A. Yes.  
5 Q. Okay.  
6 A. But it varies, depending on lots of things.  
7 Q. Varies in what way? Depending on what things?  
8 A. As I understand it, from people just in  
9 general conversation it varies. It's not necessarily going  
10 in exactly the same direction at all times.  
11 Q. So your best understanding is that generally  
12 the groundwater direction is north to south but it can vary  
13 depending on other influences?  
14 A. Yes.  
15 Q. Do you have an understanding of what those  
16 other influences are?  
17 A. No. That's too technical.  
18 Q. Let me refer you now to Appendix A which  
19 appears immediately after page 32 of the text. Have you  
20 been able to locate it?  
21 A. What exactly is it? What's the heading?  
22 Q. It's the cover page is Appendix A and the text  
23 is the groundwater database. Looks like this.  
24 A. Okay. Have you ever reviewed this part of the  
25 SWAT report before?

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1 A. No.  
2 Q. If you go to the second page of Appendix A,  
3 you can see there that what's being detailed is organics  
4 found in groundwater. It's a groundwater database. And on  
5 the second page of Appendix A you can see that there is  
6 data for Well 4918 and for Well 4918A, which we just  
7 established as 4918 being north and a little west of 4918A.  
8 Do you see that there?  
9 A. Uh-huh, yes.  
10 Q. That's a "yes"?  
11 A. Yes.  
12 Q. Sorry.  
13 Let me refer you to, if you can see it, and I  
14 realize the print is small, the data for Well 4918 on June  
15 19, 1985. The TCE reading is seven parts per billion. And  
16 if you look at Well 4918A -  
17 A. How do you know that's parts per billion?  
18 Q. Because it says at the top that it is. It  
19 says, "Organics" parenthesis "ppb" end parenthesis?  
20 A. What's the next one then?  
21 Q. What's the next what?  
22 A. Trace elements. Where is that?  
23 MR. MONTES: Trace elements, pps.  
24 MS. RONGONE: Yes.  
25 THE WITNESS: How does she know it's ppb?

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1 MS. RONGONE: That's my understanding of the data.  
2 Q. Let's just say right now then that perhaps  
3 there is some confusion about that, whether we are talking  
4 about trace or organics reading.  
5 A. I don't understand anything on here so it  
6 doesn't matter anyway.  
7 Q. In any event, the number next to the June 19,  
8 1995 date, next to Well 4918 is seven. Whether it's Ppb or  
9 pps we will leave for another day.  
10 Do you agree with that or can you see? It's  
11 really tiny.  
12 A. I can see it. I don't know whether I agree  
13 with it or not. I wouldn't have any knowledge of that.  
14 Q. If you look at Well 4918A on the same date,  
15 under TCE, the reading is 30?  
16 A. What date?  
17 Q. June 19th, 1985, the reading is 30?  
18 A. Uh-huh.  
19 Q. Okay. So whether we are talking parts per  
20 billion or pps, whatever that might mean, do you agree that  
21 the number is something across the site on that date from  
22 north to south?  
23 MR. MONTES: I will object. The document speaks for  
24 itself. Mr. McAllister does not know what this document  
25 means or what these number signify. So why are we asking

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1 this particular witness? If you want this document  
2 admitted, there is a better witness than Mr. McAllister  
3 obviously.  
4 MS. RONGONE: He is the 36(B) designee which Los  
5 Angeles By-Products designated. So if there is a better  
6 witness, I would like you to produce him.  
7 MR. MONTES: I would think it would be the  
8 consultants or persons who compiled this data.  
9 MS. RONGONE: In any event, really all I am doing at  
10 this point is laying a foundation.  
11 I think the question was do you agree that the  
12 number is increasing from north to south across the site?  
13 A. I don't know whether it's north to south or  
14 whatever. The number is higher. That's all I know.  
15 MR. MONTES: I believe you are asking him to draw an  
16 opinion or conclusion upon which he has no information or  
17 based upon these numbers. We would agree that 4918 on 19,  
18 June, '85, shows TCE 7.0 whatever that is, and the document  
19 also shows 4918A 19, June, '85, it shows 30.0 TCE. I think  
20 that's the only conclusion you can draw.  
21 MS. RONGONE: Thank you.  
22 MR. MONTES: That's what this says, right?  
23 I mean we don't know what it implies or what conclusions  
24 or what opinions one can draw from that.  
25 MS. RONGONE: That's what I am coming to, and it

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1 would be nice if would you let the witness answer the  
2 questions. And if would you let me ask them before you  
3 answer them, this is a 36(B)(6) deposition. I would be the  
4 first to admit some of the thing lawyers think they hae to  
5 ask sometimes seem ridiculous. The 36(B) designation, it's  
6 entirely within the scope for me to ask him if he has any  
7 reason to disagree with the information that is on the page  
8 or to dispute what you have just said is the obvious  
9 conclusion from it.  
10 So if I can just ask Mr. McAllister those  
11 questions, we can break for lunch.  
12 MR. MONTES: But I don't believe that Mr. McAllister  
13 is qualified to draw any conclusions from this data, that  
14 particularly the conclusions that you want him to draw or  
15 the way the conclusions that you are phrasing -  
16 MS. RONGONE: I am not asking him to draw  
17 conclusions.  
18 MR. MONTES: I think your last question was for him  
19 to draw a conclusion that it was increasing.  
20 MS. RONGONE: Well, there is no question right now.  
21 MR. MONTES: Okay. Let's see what you have to ask.  
22 MS. RONGONE: And he answered that question, the  
23 last question.  
24 Q. My question to you, Mr. McAllister, is whether  
25 you have any reason to dispute the information in Appendix

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1 A?  
2 A. No.  
3 Q. Okay. And if the information in Appendix A  
4 shows that on a particular date levels of TCE in Well 4918A  
5 were higher than levels of TCE in Well 4918, you have no  
6 basis for disputing that information; is that correct?  
7 A. Nor agreeing with it.  
8 Q. You answered the other half, but I just want  
9 to make sure I got the first half. You also have no reason  
10 to disagree with it; is that correct?  
11 A. Yeah.  
12 Q. Did you get that?  
13 THE REPORTER: Yes.  
14 MS. RONGONE: Well, we have now come up to 12:30,  
15 which is when we said we would break for lunch. So why  
16 don't we do that.  
17 (Lunch break at 12:30 p.m.; deposition resumed  
18 at 1:40 p.m.)  
19 BY MS. RONGONE: Q. Let's go back to page 22 of the  
20 SWAT; something there that I meant to touch on with you.  
21 At the bottom of the page, the last  
22 paragraph - and this again is still under the heading  
23 "Waste Characteristics Penrose Landfill," states: "There  
24 are existing records of wastes received."  
25 And then it goes on to describe the types of

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1 wastes and percentage of wastes. Before we get to that, I  
2 want to ask you, do you know of any existing records of  
3 wastes received at the Penrose Landfill?  
4 A. Be more specific on that. Maybe I can answer  
5 that. I can't answer it the way you are asking.  
6 Q. Well, basically I am asking you if you have  
7 any information about the statement in the report, and if I  
8 change the statement then I will be asking you a different  
9 question. The statement is "There are existing records of  
10 wastes received," and it's referring obviously to the  
11 Penrose Landfill.  
12 A. Number of loads, yes.  
13 Q. Just number of loads?  
14 A. Well, customers, dollar amounts.  
15 Q. Okay. What about types of wastes received?  
16 A. Not at Penrose, to my knowledge.  
17 Q. Do you have any understanding at all as to  
18 what Law Environmental based this statement in the SWAT  
19 on?  
20 A. Are you referring to the percentages?  
21 Q. No. I am actually just referring right now to  
22 the sentence there are existing records of wastes received.  
23 A. I don't know what they were referring to.  
24 Q. Okay. Now we will move on to the rest of that  
25 paragraph which states, "During the last few years of  
operation at Penrose, the waste stream consisted of about

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1 30 percent commercial rubbish" parentheses "apartment  
2 complexes" end parentheses "six percent demolition debris,  
3 and 64 percent mixed loads, including household  
4 horticultural, dirt and bulky items such as sofas, stoves  
5 and refrigerators."  
6 Stop there. Do you have an understanding as  
7 to what Law Environmental based that statement of the types  
8 of wastes received at Penrose during the last few years of  
9 is operation?  
10 A. No, huh-uh.  
11 Q. Do you agree with the statement of the  
12 percentages of types of wastes received?  
13 A. I don't know. I wasn't out there.  
14 Q. Is there anyone who would know better than you?  
15 A. Going to have to be a spotter or dozer  
16 operator. Maybe a checker. A checker would know too  
17 probably.  
18 Q. When the SWAT - we will focus for the moment  
19 on this particular SWAT, the 1988 Penrose/Newberry SWAT.  
20 When this SWAT was being prepared, was there someone at  
21 Penrose or at Los Angeles By-Products whose job it was to  
22 work with Law/Crandall or Law Environmental and provide  
23 them with information about the site?  
24 A. There were several people.  
25 Q. And who were they?

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1 A. Well, of course I was there. Claude VanGorden  
 2 was there. I believe Claude was there.  
 3 Q. So yourself –  
 4 A. Probably. I don't know if Ted had anything to  
 5 do with it or not.  
 6 Q. Mr. VanGorden, Ted, what's his last name  
 7 again?  
 8 A. Phillips, but that would be a question mark  
 9 whether he was involved at this particular time. I don't  
 10 know if Ron Steiner retired by then or not.  
 11 Q. Was there one of you who was designated as  
 12 kind of a primary contact with Law Environmental to provide  
 13 them with documentation, information that they needed, et  
 14 cetera?  
 15 A. No.  
 16 Q. Do you know who might have provided them with  
 17 these percentages of types of wastes received at the  
 18 landfill?  
 19 A. No.  
 20 Q. I notice the reference is specific to the last  
 21 few years of operation at Penrose. To the best of your  
 22 knowledge was the distribution or types of wastes received  
 23 in earlier years substantially different from what's  
 24 described here?  
 25 A. No. You are talking Penrose?

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1 Q. I am talking Penrose.  
 2 A. Make sure. Yeah, no.  
 3 Q. To the best of your knowledge is what's  
 4 described here accurate in terms of the types of –  
 5 A. I wasn't –  
 6 Q. – and distribution of waste received?  
 7 A. I wasn't out there. I don't know.  
 8 Q. Do you know of your own knowledge that the  
 9 landfill accepted commercial rubbish?  
 10 A. From not from being out there, no.  
 11 Q. My question was whether you know of it of your  
 12 own knowledge?  
 13 A. Yes.  
 14 Q. What's that knowledge basis?  
 15 A. Ledger sheets.  
 16 Q. Is that because you recognize the customers?  
 17 A. Well, it's a good question. I would have to  
 18 answer no, I don't know.  
 19 Q. No, you don't know what?  
 20 A. The question that you asked me at first, what  
 21 was it? Please read it back.  
 22 (Record read.)  
 23 THE WITNESS: So no, I do not know of my own  
 24 knowledge.  
 25 BY MS. RONGONE: Q. To the extent you have any

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1 information about it, it's information you took from the  
 2 ledger sheets; is that correct?  
 3 A. Yes.  
 4 Q. And was the basis of your concluding that  
 5 there was commercial rubbish that the ledger sheets refer  
 6 to customers you know to have been commercial  
 rubbish-type  
 7 customers?  
 8 A. Well, I would have to go back and look at all  
 9 those ledger sheets again, and if we see an apartment  
 10 complex then that would probably mean that they were  
 11 bringing in their refuse.  
 12 Q. Okay. There is a reference to 30 percent  
 13 commercial rubbish and then 6 percent demolition debris.  
 14 Do you agree with the estimate of 6 percent demolition  
 15 debris?  
 16 A. I don't know. I wasn't out there.  
 17 Q. There is a description of 64 percent mixed  
 18 loads including household, horticultural, dirt and bulky  
 19 items such as sofas, stoves and refrigerators. Did the  
 20 landfill in fact receive refrigerators?  
 21 A. I believe at the early stages they may have.  
 22 It's very doubtful because that's a recyclable item. I  
 23 believe also that they are referring to that as such as.  
 24 That doesn't necessarily mean refrigerators came in.  
 25 Q. That's why I asked you.

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1 A. Yeah. So I don't know.  
 2 Q. Well, I think your answer was different than  
 3 that but we will let the record speak for itself.  
 4 Did the landfill in fact receive stoves?  
 5 A. I don't know.  
 6 Q. Did it in fact receive sofas?  
 7 A. I don't know.  
 8 Q. Did it receive dirt?  
 9 A. Yes.  
 10 Q. And where did the dirt come from?  
 11 A. I have no idea. Some of it came from across  
 12 the street.  
 13 Q. I don't think – well, I am not referring now  
 14 to the cover which we have talked about, but dirt that was  
 15 actually sent as refuse.  
 16 A. I don't know where it came from.  
 17 Q. Did it in fact receive horticultural wastes?  
 18 A. I don't know.  
 19 Q. Do you know what horticulture waste would  
 20 consist of?  
 21 A. Nope.  
 22 Q. Did it in fact receive household waste?  
 23 A. I don't know.  
 24 Q. Do you know what household waste would consist  
 25 of?

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1 A. No.  
 2 Q. Did -  
 3 A. That's not necessarily true.  
 4 Q. What's not necessarily true?  
 5 A. That I don't know what household waste. I  
 6 would know some of the components of household  
 waste, not  
 7 necessarily where - which house is producing what, but I  
 8 know some of the items that come from homes.  
 9 Q. What are those?  
 10 A. Paper.  
 11 Q. Anything else?  
 12 A. Broken toys.  
 13 Q. Anything else?  
 14 A. Miscellaneous items that people would be  
 15 throwing away.  
 16 Q. Would those include household cleaning  
 17 products?  
 18 A. I would doubt very much because they can  
 19 dispose of those free of charge at local disposal stations  
 20 that are set up for that.  
 21 Q. Couldn't people dispose of broken toys for  
 22 free and paper for free?  
 23 A. I doubt it, no.  
 24 Q. Why would there be a distinction between -  
 25 tell me - let's back up.

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1 Where are these free disposal places?  
 2 A. You would have to call the city of Los Angeles  
 3 and ask them.  
 4 Q. Right. But it's your understanding that  
 5 places you could dispose of things for free would not  
 6 accept broken toys or paper but would accept household  
 7 cleaning products?  
 8 A. That's true, yes, uh-huh.  
 9 Q. And why would they make that kind of a  
 10 distinction?  
 11 A. I don't know. You would have to ask them.  
 12 Q. Do you have any understanding of it based on  
 13 your experience in the business?  
 14 A. Well, cost the city to dispose of broken toys  
 15 on their own landfill. As far as the liquid hazardous  
 16 solvents and so on, I believe they use that to entice  
 17 people to use their facilities to properly dispose of it.  
 18 Q. That's currently?  
 19 A. Well -  
 20 Q. Was that true in the 1940s?  
 21 MR. MONTES: Well, the question - objection. The  
 22 question is irrelevant in the 1940s.  
 23 MS. RONGONE: No, it's not.  
 24 Q. Was that true in the 1940s?  
 25 A. I wasn't born. I don't know.

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1 Q. Neither was I.  
 2 Was that true in the 1950s?  
 3 A. I don't remember.  
 4 Q. Was that true in the 1960s?  
 5 A. I don't remember.  
 6 Q. Was that true in the 1970s?  
 7 A. I don't remember.  
 8 Q. Was that true in the 1980s?  
 9 A. I don't remember.  
 10 Q. Is that true in the 1990s?  
 11 A. I believe it is.  
 12 Q. Okay. So household waste that would be  
 13 typically received at a landfill, were it to be received at  
 14 all, would include paper, broken toys, and miscellaneous  
 15 things people would throw away other than things they could  
 16 dispose of for free. Is that a fair summary of your  
 17 testimony?  
 18 A. That's fair.  
 19 Q. Would it include any other items that come to  
 20 mind?  
 21 A. Yard trimmings.  
 22 Q. What about incinerator debris? I think you  
 23 talked about that your first day.  
 24 A. Not at Penrose.  
 25 Q. Not at Penrose. Any particular reason why not

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1 at Penrose?  
 2 A. Burning of refuse was not allowed during that  
 3 period of time.  
 4 Q. Which period of time?  
 5 A. After the 1960s when this landfill was in  
 6 operation. There may be some burn debris coming from  
 7 fireplaces. That would be it.  
 8 Q. And demolition debris we talked about the  
 9 other day so I won't put you through that. And I think we  
 10 also talked about commercial rubbish, if I am not mistaken.  
 11 I don't think I have any more questions about  
 12 Exhibit 8 right now. I think that's the original exhibit.  
 13 Place before you what was marked as Exhibit  
 14 7. Let me just get my own copy. Let's back up here.  
 15 Exhibit 7 is an excerpt from the July 1, 1989,  
 16 supplementary SWAT. It was an excerpt I had made for my  
 17 own purposes.  
 18 For purposes of the deposition, I feel the  
 19 witness should have the entire document in front of him so  
 20 could we substitute the complete document for the excerpt  
 21 and have the complete document be Exhibit 7?  
 22 MR. MONTES: Rather than substitute, I would prefer  
 23 that the complete document be marked exhibit next in order.  
 24 MS. RONGONE: I don't have any objection do that.  
 25 (Plaintiff's Exh-MRM-9 marked for

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1 identification.)  
 2 BY MS. RONGONE: Q. You have had placed in front of  
 3 you a multi-page document which has been marked Exhibit 9.  
 4 Can you identify it for the record?  
 5 A. It's Solid Waste Assessment Test (SWAT)  
 6 Supplementary Monitoring Report," dated July 1, 1989.  
 7 Q. For the Penrose and Newberry landfills and  
 8 Strathern pit. Correct?  
 9 A. Penrose and Newberry landfills closed and the  
 10 Strathern pit.  
 11 Q. Are you familiar with this document? Take a  
 12 moment to look at it obviously.  
 13 A. I haven't looked at it since 1989.  
 14 Q. But for my purposes you have seen the document  
 15 before?  
 16 A. I believe I have seen this document.  
 17 Q. And you recognize it to be the 1989 SWAT  
 18 prepared for Los Angeles By-Products by Law  
 19 Environmental?  
 20 A. This is not a SWAT. This is Supplementary  
 21 Monitoring Report.  
 22 Q. It also says, "Solid Waste Assessment Test  
 23 (SWAT) Supplementary Monitoring."  
 24 A. Solid Waste Assessment was the prior document  
 25 you gave to me.  
 26 Q. You are absolutely accurate. This is a

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1 Supplementary Monitoring Report, and I just wanted to get  
 2 it identified for the record.  
 3 Were you involved in the preparation of this  
 4 document in any way?  
 5 A. Law Environmental did this.  
 6 Q. At Los Angeles By-Products' request, correct?  
 7 A. Indirectly, yes.  
 8 Q. What do you mean by "indirectly"?  
 9 A. I am sure that the Regional Board had required  
 10 that additional monitoring be done.  
 11 Q. So you mean they were doing it at Los Angeles  
 12 By-Products' request but pursuant to requirements of the  
 13 Regional Board?  
 14 A. It even states that "as required by Regional  
 15 Water Quality Control Board."  
 16 Q. Right.  
 17 Let me refer to you page 10 of the document.  
 18 Have you located page 10?  
 19 A. Yes.  
 20 Q. There is a picture or figure on that page and  
 21 then there is a short paragraph explaining the figure.  
 22 Direct your attention to the second sentence of that  
 23 paragraph, it states: "During late 1986 and early 1987, a  
 24 gas migration system at Penrose lost efficiency," and then  
 25 it goes on to describe the effect that that had on certain

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1 gases, which I won't bother you with.  
 2 My question for you is simply whether you know  
 3 anything about the event being described there during which  
 4 the gas migration system loss efficiency?  
 5 A. No.  
 6 Q. Do you know what Law Environmental based this  
 7 statement upon?  
 8 A. No.  
 9 Q. Do you have any reason to disagree with the  
 10 statement?  
 11 A. I don't know.  
 12 Q. Well, you either do or you don't.  
 13 MR. MONTES: That's not necessarily true. If he  
 14 doesn't know, how can he agree or disagree?  
 15 MS. RONGONE: The question is simply is whether he  
 16 has any information which would lead him to disagree with  
 17 the statement. He either has such information or he  
 18 doesn't have it.  
 19 MR. MONTES: That he presently recalls.  
 20 MS. RONGONE: But that wasn't what his answer is.  
 21 His answer was "I don't know." I think you will agree with  
 22 me that doesn't really -  
 23 THE WITNESS: Well, I don't have any information.  
 24 BY MS. RONGONE: Q. Okay. You don't have any  
 25 information that would lead you to disagree with this

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1 statement; is that correct?  
 2 A. Or to agree.  
 3 Q. You just don't know anything about it?  
 4 A. I don't know anything about that 1986, '87.  
 5 Q. And let me refer you to I think it's page 3.  
 6 MR. MONTES: Pardon me? Which page?  
 7 MS. RONGONE: Page 3.  
 8 Q. At the bottom of page 3 under the heading  
 9 "Groundwater Levels," the first sentence of the next  
 10 paragraph reads: "One of the significant changes that has  
 11 been observed during the SWAT program is the steady drop  
 12 in  
 13 regional groundwater levels."  
 14 Do you have any information which would lead  
 15 you to disagree with that statement?  
 16 A. No, nor to agree with the statement.  
 17 Q. Well, Law Environmental was Los Angeles  
 18 By-Products' consultant, was it not?  
 19 A. That is correct.  
 20 Q. Does Los Angeles By-Products in general rely  
 21 on Law Environmental to provide accurate reports?  
 22 A. Yes.  
 23 Q. So wouldn't that be a reason for you to agree  
 24 with their statements rather than disagree with them?  
 25 A. But I don't know whether they did it right or  
 26 wrong. Obviously something is wrong. I wouldn't be

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1 sitting here, would I? -  
 2 Q. Well -  
 3 A. Would I?  
 4 Q. I guess that's a matter of opinion.  
 5 A. Well, that's my opinion.  
 6 Q. Okay. In general, is there - do you have any  
 7 information which would lead you to disagree with any part  
 8 of the Supplementary Monitoring Report?  
 9 A. Nor to agree. I am not an expert. This takes  
 10 an expert to do this type of work.  
 11 Q. Is your answer then no?  
 12 A. I believe I made it quite clear neither to  
 13 agree or disagree.  
 14 Q. Okay. That's fine.  
 15 I don't have any more questions about this  
 16 document right now. Just wanted to get it identified and  
 17 take care of some basic background on it.  
 18 MS. RONGONE: I would like to have this marked.  
 19 (Plaintiff's Exh-MRM-10 marked for  
 20 identification.)  
 21 BY MS. RONGONE: Q. I have placed before you a  
 22 document that has been marked MRM-Exhibit 10. It is  
 23 described at the top as a memorandum to Ned Black from  
 24 Andy Austin at CH2MHill, subject matter, groundwater monitoring  
 25 well sampling and soil gas sampling, et cetera. Since I

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1 can't read it, I won't bother quoting the whole thing out.  
 2 Have you seen this document before?  
 3 A. No, not to my knowledge.  
 4 Q. As you can see, the date is December 22, 1995,  
 5 and it refers to groundwater monitoring well sampling and  
 6 soil gas sampling at selected landfills in the North  
 7 Hollywood area, San Fernando. When we look inside the  
 8 document, you will see that it describes certain sampling  
 9 at Penrose as well as other landfills.  
 10 Were you aware of any sampling carried out by  
 11 EPA at the Penrose Landfill in 1995?  
 12 A. I am not sure of the year but I do know that  
 13 people were out there taking samples, yes.  
 14 Q. And -  
 15 A. I don't know when though.  
 16 Q. Does it refresh your recollection if I refer  
 17 you to last September, September, '95?  
 18 A. Well, if that was about the time of the  
 19 closure, that would be correct. It seems to me that you  
 20 people were out there about the same time that we were  
 21 closing.  
 22 Q. I almost hesitate to ask this, but what do you  
 23 mean by "closing" in that particular context?  
 24 A. It was the final grading and putting on the  
 25 claymax.

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1 Q. I didn't catch that?  
 2 A. The grading and the installation of the  
 3 claymax.  
 4 Q. I see. Is that the clay, the clay barrier you  
 5 described before?  
 6 A. Clay barrier.  
 7 Q. And was that work being done around fall of  
 8 1995?  
 9 A. I believe so. It was sometime in there. I am  
 10 not sure of the months.  
 11 Q. Okay. That's why I said fall.  
 12 A. Yeah. May have been late summer. I just don't  
 13 remember.  
 14 Q. Have you been informed of the results of that  
 15 sampling at the Penrose Landfill?  
 16 A. No.  
 17 Q. Is that what you call that barrier, the  
 18 claymax?  
 19 A. Yes. That's a particular type of material  
 20 that is used.  
 21 Q. Okay. Well, since you have never seen this  
 22 report or been advised of its results, I am not sure how  
 23 much time we should spend on it, but give me a minute  
 24 here.  
 25 MR. MONTES: Off record.

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1 MS. RONGONE: Yes.  
 2 (Discussion held off the record.)  
 3 BY MS. RONGONE: Q. Let me refer you to pages 10  
 4 and 11 of the report.  
 5 A. Uh-huh.  
 6 Q. I will just try to summarize, and obviously  
 7 the document will speak for itself. At the bottom of page  
 8 10 and the top of page 11, the report summarizes soil gas  
 9 samples taken at the Penrose landfill. And the part to  
 10 which I would direct your attention is specifically bullet  
 11 three on page 11.  
 12 The first subbullet beneath that states that  
 13 tetrachloroethane was detected at nine locations on the  
 14 Penrose Landfill with concentrations ranging from 5.4 parts  
 15 per billion to 85 parts per billion.  
 16 A. What does the "v" stand for.  
 17 Q. I am not sure what the "v" stands for but it's  
 18 definitely a part per billion range, at least I believe so.  
 19 But you know, as I say, the document speaks for itself and  
 20 I am not asking you to interpret it or even to agree with  
 21 it.  
 22 Let me also represent to you that there is a  
 23 typographical error in the report. Where tetrachloroethane  
 24 is referred to, it should refer to tetrachloroethene which  
 25 is the technical name for TCE. Since it's our report, I

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1 can make that representation I guess.  
 2 Having given you all those caveats free of  
 3 charge, let me ask you.  
 4 MR. MONTES: I am not sure if it's free of charge.  
 5 MS. RONGONE: Caveats are.  
 6 Q. Let me just ask you if you have any reason to  
 7 disagree with the data collected by EPA and specifically  
 8 with the data that I just referred you to?  
 9 A. I don't know.  
 10 Q. You don't know?  
 11 A. I don't know.  
 12 Q. Okay. Is it fair to say, as you have said in  
 13 answer to similar questions, that you have no information  
 14 that would lead you to either agree or disagree?  
 15 A. I wouldn't go that far. I would say I don't  
 16 know. I don't know these people. I don't know the  
 17 methods. First time I have ever seen this.  
 18 Q. Okay. That's fair.  
 19 A. I wouldn't go, you know - yeah.  
 20 Q. But you have no specific information about  
 21 those people or those methods that you can share with us  
 22 today that would lead you to disagree with the report; is  
 23 that correct?  
 24 A. Nor to agree.  
 25 Q. I think I need the whole answer. So the whole

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1 answer is yes, nor to agree. Correct?  
 2 A. I wouldn't agree nor disagree with anything  
 3 here. I don't know.  
 4 Q. Thank you.  
 5 A. Make sure you get in there I don't know.  
 6 Q. She gets every word, at least as long as we  
 7 are kind enough not to talk over one another.  
 8 Let me refer you to Figure 4. The figures  
 9 start right after page 15, if that helps you.  
 10 Have you found Figure 4?  
 11 A. Not yet.  
 12 Q. Okay.  
 13 A. Okay.  
 14 Q. Okay. Figure 4 is titled "Soil Gas Locations  
 15 at Penrose Landfill." And there is a legend in the upper  
 16 right-hand corner that shows or depicts soil gas locations,  
 17 both those that were sampled and those that were not  
 18 sampled, and monitoring wells. And as you can see the  
 19 little squares and the little triangles are soil gas  
 20 locations.  
 21 My question for you is simply to the best of  
 22 your knowledge, are all of the soil gas locations at the  
 23 Penrose Landfill depicted on this map? And I count eight  
 24 of them.  
 25 A. Are what depicted there?

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1 Q. All of the soil gas monitoring locations?  
 2 A. No.  
 3 Q. No?  
 4 A. No.  
 5 Q. Are there more or fewer?  
 6 A. I believe there are a lot more.  
 7 Q. And where are the - well, to the extent what  
 8 is here - excuse me. Let me rephrase that.  
 9 To the extent there are depictions of soil gas  
 10 monitoring locations, are they accurate? I mean in  
 11 general? I realize it's a little graphic, but in general  
 12 do they appear to be accurately described on the map?  
 13 A. You are talking about the monitoring wells  
 14 that are signified by a little circle?  
 15 Q. No, no. Those are the monitoring wells. I am  
 16 focusing on the soil gas locations which are triangles and  
 17 rectangles.  
 18 A. Well, I would say no, that they are not  
 19 depicted properly.  
 20 Q. What is improper or inaccurate that you see?  
 21 A. They would be closer to the perimeter. These  
 22 look like they are in set.  
 23 Q. In fact they are closer to the border of the  
 24 property?  
 25 A. I would say so looking at this little tiny map.

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1 Q. Other than that they should be shown as closer  
 2 to the perimeter, is their location, relative location  
 3 generally accurate?  
 4 A. I don't have firsthand knowledge but I would  
 5 have to say from the other maps that I have observed,  
 6 they appear to be.  
 7 Q. Okay. How about the monitoring wells which  
 8 are the little circles? Does that appear to be accurate to  
 9 you?  
 10 A. Monitoring wells. What monitoring wells is  
 11 this for?  
 12 Q. You mean what kind of monitoring well are  
 13 they?  
 14 A. Yep.  
 15 Q. I believe it refers to groundwater  
 16 monitoring.  
 17 A. Where does it say that?  
 18 Q. In the upper right-hand corner it says  
 19 "monitoring well"?  
 20 A. Uh-huh.  
 21 Q. And I am telling you what I am basing my own  
 22 information on. Looking at the map, the monitoring wells  
 23 are identified as 4918, 4918B, 4918A, et cetera, and these  
 24 are well designations that I have seen on a number of  
 25 reports, data compilations, what have you, that make clear

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1 they are referring to groundwater monitoring. So that's my  
 2 basis.  
 3 A. You just said groundwater?  
 4 Q. I did, yes.  
 5 A. Okay. Water, that's probably pretty close. I  
 6 don't know about the 4928C. That bothers me. I don't  
 7 remember that being there.  
 8 Q. You don't remember it being there at all or  
 9 you don't remember it being in that place?  
 10 A. I am just not familiar seeing anything in that  
 11 location.  
 12 Q. What about 4918B? When was that installed?  
 13 A. Where is it?  
 14 Q. It's right left of the "S"?  
 15 A. I am not - I don't know. I don't know about  
 16 4918. I thought we had one done in the southeast. I don't  
 17 know.  
 18 Q. Well, that is in the southeast?  
 19 A. That's southwest. 4918B.  
 20 Q. You are right. That's the southwest corner of  
 21 the site. There is 4918A which is in the southeast corner  
 22 but it's outside the border of the site. Is that what you  
 23 are referring to?  
 24 A. I'm sorry. Ask me again.  
 25 Q. Is there something you wanted to look at?

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1 A. No, I just don't understand this. I am not  
 2 that familiar with the wells out there; so I am really not  
 3 that good unless I have something else from us that I can  
 4 refer to.  
 5 Q. How do you mean from us?  
 6 A. One of our maps that would indicate that  
 7 that's where these are located. Somebody else has done  
 8 this and I don't know who they are or where they got their  
 9 information.  
 10 Q. I understand. I am not asking you to agree  
 11 with it. In fact, my questions were directed to  
 12 determining whether to the best of your knowledge it was  
 13 accurate?  
 14 A. Well -  
 15 Q. Because you know the site obviously better  
 16 than any map.  
 17 A. Well, I don't know where this - I have got  
 18 two here that I would question, and I don't know - just  
 19 don't know.  
 20 Q. And the two that you would question?  
 21 A. 4928C and 4918B.  
 22 Q. Okay.  
 23 A. And 4918A, I don't think that is in the proper  
 24 location either.  
 25 Q. How would you move it? Would you move it

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1 north?  
 2 A. I would move it north. 4928A is, I believe,  
 3 wrong too.  
 4 Q. Should that be further north, south, east  
 5 west?  
 6 A. I believe that would be further to the west.  
 7 And 4928, I don't know where that is either.  
 8 Q. Okay. Off record for a minute.  
 9 (Discussion held off the record.)  
 10 MS. RONGONE: Let me have this marked next in order,  
 11 please.  
 12 (Plaintiffs' Exh-MRM-11 marked for  
 13 identification.)  
 14 BY MS. RONGONE: Q. Mr. McAllister, you have had  
 15 placed before you a copy of a document entitled "Report of  
 16 Additional Subsurface Soil Investigation at Penrose  
 17 Landfill, Sun Valley, California," dated June, 1994.  
 18 Have you seen this document before?  
 19 A. First off, I don't even see the date. There  
 20 it is. No, I have never seen this document.  
 21 Q. The document further represents itself to have  
 22 been prepared by Earth Systems Consultants for Mr. Andrew  
 23 Washington, Environmental Compliance Manager, Pacific  
 24 Energy, Commerce, California. Do you know Mr. Andrew  
 25 Washington?

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1 A. I have met him probably twice.  
 2 Q. And, of course, you do know Pacific Energy is  
 3 Los Angeles By-Products' tenant, right?  
 4 A. That is correct. They are no longer located  
 5 in Commerce either.  
 6 Q. Are you aware in a general sense that Pacific  
 7 Energy has conducted testing of environmental conditions at  
 8 Penrose Landfill?  
 9 A. No.  
 10 Q. Not at all?  
 11 A. Well -  
 12 (Inaudible discussion between the witness and  
 13 his counsel.)  
 14 THE WITNESS: I am not aware of it. I am sure our  
 15 attorneys are aware of anything that might be going on with  
 16 respect to that.  
 17 BY MS. RONGONE: Q. But you, yourself, are not  
 18 aware of that?  
 19 A. Just that I - all that type of information  
 20 has been turned over to them. I am not aware of what  
 21 they  
 22 have been doing over there now.  
 23 Q. Okay. And I am not, of course, intending to  
 24 ask you questions that would infringe the attorney-client  
 25 privilege. I am just trying to find out what you know  
 about the site.

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1 So if at any time you get into that area, I am  
 2 sure you will both let me know.  
 3 Let me refer you to what is really the first  
 4 page of the report immediately after the table of  
 5 contents.  
 6 A. Uh-huh.  
 7 Q. Under item 2.1, Project Location, there is a  
 8 reference to the Penrose Landfill address, and then the  
 9 statement, "The site of the former clarifier is located in  
 10 the northeastern part of the landfill approximately 50 feet  
 11 west of Tujunga Avenue and 500 feet south of the  
 12 intersection between Tujunga Avenue and Penrose Street."  
 13 My question to you is, do you have any  
 14 knowledge of a clarifier being located on the Penrose  
 15 Landfill property at any time?  
 16 A. I had heard that it was there; in fact, I  
 17 think it's in my deposition that I gave.  
 18 Q. Do you know who installed it?  
 19 A. No.  
 20 Q. Do you know if it was installed during the  
 21 time the property was an operating landfill or at another  
 22 time?  
 23 A. No, it was not installed while Los Angeles  
 24 By-Products Company was operating a landfill.  
 25 Q. Would Los Angeles By-Products have had any

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1 reason to install it after it closed the operating landfill?  
 2 A. No.  
 3 Q. Is it your belief that Pacific Energy  
 4 installed the clarifier?  
 5 A. They would be the only ones that I would know  
 6 that could do that, yes, I think that's fair.  
 7 Q. And do you have an understanding of what they  
 8 would use a clarifier for?  
 9 A. No.  
 10 Q. But you had heard that there was one out  
 11 there, correct?  
 12 A. I had heard that there was a hole out there.  
 13 I do not know that it was definitely a clarifier.  
 14 Q. A hole, did you say?  
 15 A. Uh-huh.  
 16 Q. Is that after it was excavated?  
 17 A. I don't know. I didn't see the hole itself.  
 18 Q. Who did you hear that there was a hole from?  
 19 A. It was one of the employees.  
 20 Q. One of Los Angeles By-Products' employees?  
 21 A. Yeah.  
 22 Q. And do you have a general understanding that  
 23 Pacific Energy excavated the clarifier?  
 24 A. Well, let's put it this way: When we leased  
 25 the property, there was nothing there.

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1 Q. Uh-huh.  
 2 A. So it must have been P.E. or they  
 3 subcontracted it out or something.  
 4 Q. Right. I understand you, and I think you are  
 5 right. You know, it's just a logical conclusion that he  
 6 may have installed it.  
 7 My question is, do you have an understanding  
 8 that they excavated it at some time after -  
 9 A. No.  
 10 Q. - installing it? You don't know that.  
 11 So the hole you referred to is a hole when it  
 12 was being installed; is that correct?  
 13 A. Well -  
 14 MR. MONTES: I think I am going to object because it  
 15 assumes there was a clarifier, and this witness does not  
 16 know of the existence of a clarifier so it assumes a fact  
 17 not in evidence.  
 18 MS. RONGONE: For the purpose of the deposition, we  
 19 are just fact finding, and I believe he said he had heard  
 20 that there was one out there.  
 21 THE WITNESS: I said there was a hole out there.  
 22 You are asking me if I knew that it was clarifier? No, I  
 23 didn't know that.  
 24 BY MS. RONGONE: Q. Actually, I don't think I did  
 25 ask you that, but I thought you had testified just a few

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1 minutes ago that you did hear that there was a clarifier  
 2 out there. Did I hear you or get that wrong?  
 3 A. I don't know what - it was a hole in the  
 4 ground. That's what I remember. She can read it back.  
 5 Q. No, I am not challenging you. I am just  
 6 saying that that's what I thought you said, and which is  
 7 why I was following up on it.  
 8 A. I know there is a large hole out there and I  
 9 heard that from our employees.  
 10 Q. Approximately when did you hear that?  
 11 A. I don't know.  
 12 Q. Was it within the last five years?  
 13 A. Yes.  
 14 Q. Was it longer ago than that?  
 15 A. No. It was within the last five years.  
 16 Q. And other than that there was a large hole,  
 17 did the employee say anything else at all?  
 18 A. No.  
 19 Q. Which employee was it?  
 20 A. I have no idea.  
 21 Q. Was it someone who's currently employed by Los  
 22 Angeles By-Products, if you remember?  
 23 A. I don't know because I don't remember who it  
 24 was.  
 25 Q. Let me refer you to Table 1 which comes - the

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1 tables begin right after page 8 of the report.  
 2 (Discussion held off the record.)  
 3 BY MS. RONGONE: Q. Have you located Figure 1?  
 4 A. Table 1.  
 5 Q. Table 1, pardon me.  
 6 You can see there it's titled "Table 1,  
 7 Summary of Analytical Results Former Clarifier Site,  
 8 Penrose Landfill." Down the left are described the various  
 9 analytes and across the top the sample I.D. date and the  
 10 date collected and, of course, the values and units of  
 11 detection.  
 12 Tetrachlorethene is shown as being located at  
 13 360 parts per billion and 3200 parts per billion in May of  
 14 1993. Do you see that data?  
 15 A. Yes.  
 16 Q. Do you have any information, as you sit here  
 17 today, which would lead you to disagree with it?  
 18 A. I don't know anything about this.  
 19 Q. Is it fair to say that you have no information  
 20 which would lead you to agree or disagree with it?  
 21 A. Yeah.  
 22 Q. And prior to today, you had not been informed  
 23 of these particular sampling results?  
 24 A. No.  
 25 Q. See also the data showing 10,000 and 27,000

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1 parts per billion 1,4-Dichlorobenzene?  
 2 A. Yes.  
 3 Q. Same question really. Do you have any  
 4 information which would lead you to agree or disagree with  
 5 that data?  
 6 A. I just don't know anything about it so --  
 7 Q. Okay.  
 8 (Break taken.)  
 9 BY MS. RONGONE: Q. Did Los Angeles By-Products,  
 10 other than to Pacific Energy obviously, ever lease any  
 11 portion of the Penrose Landfill site?  
 12 A. We leased it. L.A. By-Products leased it. Do  
 13 you have that in the deposition?  
 14 Q. Yes. You are referring to L.A. By-Products  
 15 originally leasing the site from I think it was Con Rock;  
 16 is that correct?  
 17 A. That's right.  
 18 Q. But I mean once Los Angeles By-Products  
 19 assumed ownership of the site, did it lease any portion of  
 20 the site to anyone other than Pacific Energy?  
 21 A. No.  
 22 Q. Does Pacific Energy have a lease for a  
 23 particular period of time?  
 24 A. Yes.  
 25 Q. What is the term of the lease?

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1 A. I don't remember.  
 2 Q. How much rent do they pay?  
 3 MR. MONTES: Objection. Irrelevant. I will  
 4 instruct him not to answer.  
 5 MS. RONGONE: On the basis of?  
 6 MR. MONTES: Relevancy.  
 7 MS. RONGONE: I think it's certainly relevant. If  
 8 there are ability to pay, arguments being made in  
 9 defense --  
 10 MR. MONTES: That has to do with settlement, and  
 11 that's not -- I am not going to allow that on the record  
 12 here.  
 13 MS. RONGONE: I am not referring to settlement  
 14 discussions. I am referring to information which Pacific  
 15 Energy might choose to put before the Court.  
 16 MR. MONTES: No, I am not going to. I am  
 17 instructing you not to answer that question. It's  
 18 irrelevant.  
 19 MS. RONGONE: Well, you can instruct him not to  
 20 answer but let me ask you then are you saying then that  
 21 Pacific Energy does not intend to claim to the Court that  
 22 it cannot afford -- or let me stop there -- it cannot  
 23 afford the government's demand?  
 24 MR. MONTES: First of all, Pacific Energy is not a  
 25 party to this action. Second of all, we have no idea what

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1 their intentions --  
 2 MS. RONGONE: I misspoke. I meant Los Angeles  
 3 By-Products.  
 4 Are you representing that Los Angeles  
 5 By-Products does not intend to put information before the  
 6 Court in the order of claiming to be unable to pay the  
 7 government's demands?  
 8 MR. MONTES: Let's go off record for a second.  
 9 (Discussion held off the record.)  
 10 MR. MONTES: No, we are not going to answer those  
 11 questions on the record.  
 12 MS. RONGONE: Okay. For the record, I was asked to  
 13 explain the possible relevance of the information, and I  
 14 explained that, number one, it was likely or at least  
 15 extremely possible that Los Angeles By-Products would  
 16 attempt to convince the Court that the government's demands  
 17 for payment were inconsistent with Los Angeles By-Products'  
 18 financial status, and on that basis we should have the  
 19 opportunity to inquire into that.  
 20 Second, parties often make equitable arguments  
 21 in defense of CERCLA liability, and in those circumstances  
 22 the government is entitled to show converse equitable  
 23 issues such as the benefit derived by a party from a site.  
 24 So that is the relevance basis for asking the questions.  
 25 I am obviously -- since the witness has been

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1 instructed not to answer, I will get through the questions  
2 rather quickly on that issue, but we certainly reserve the  
3 rate to compel either now or at the time it becomes  
4 appropriate to do so.  
5 Q. What were the revenues from the dump operation  
6 conducted by Los Angeles By-Products at the Penrose  
7 Landfill?  
8 MR. MONTES: Objection. Relevancy. I will instruct  
9 the witness not to answer.  
10 MS. RONGONE: Just to save us all time, would you  
11 instruct him not to answer any question regarding the  
12 financial benefit derived from the site by Los Angeles  
13 By-Products?  
14 MR. MONTES: Any questions regarding Los Angeles  
15 By-Products' revenues, their financial status, will not be  
16 answered.  
17 MS. RONGONE: Okay.  
18 And does that apply both to historical  
19 information as well as current information?  
20 (Inaudible discussion between the witness and  
21 his counsel.)  
22 MR. MONTES: No. With respect to historical  
23 information regarding the revenues from the landfill, that  
24 will be fine.  
25 MS. RONGONE: I just asked that and you instructed

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1 him not to answer.  
2 MR. MONTES: Well, I believe that question that you  
3 last asked was more current rather than historical. I  
4 didn't see the distinction between present income or past  
5 income. If you are making a -- as long as we make the  
6 distinction between historical revenues, that would be -- I  
7 would allow the witness to answer.  
8 MS. RONGONE: I specifically asked the question I  
9 believe in terms of during the time the property was an  
10 operating landfill.  
11 MR. MONTES: I am sorry. Then please go ahead and  
12 ask the question again.  
13 MS. RONGONE: I will reask the question.  
14 Q. What were the revenues to Los Angeles  
15 By-Products from the Penrose Landfill site during the time  
16 it was an operating landfill?  
17 A. I don't remember.  
18 Q. Are there documents that would reflect that  
19 information?  
20 A. Yes.  
21 Q. And what documents are those?  
22 A. Be income statements and ledger sheets.  
23 Q. On the first day of your deposition there was  
24 some discussion of documents that had been lost or  
25 misplaced by Iron Mountain or Iron Mountain document or

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1 what have you. Are the income statements among those lost  
2 documents or are they still retrievable?  
3 A. That I don't know.  
4 Q. Do you know where the income statements are?  
5 A. Some.  
6 Q. And where are some?  
7 A. We should have some of them at our offices.  
8 Q. Do you have a general idea what years of  
9 income statements are retained at the office location?  
10 A. No. I know we have the last five years but  
11 from that point on, I don't know.  
12 Q. The landfill ceased operating in 1985; is that  
13 correct?  
14 A. That's right, as an operating landfill.  
15 Q. That's what I meant.  
16 A. Okay. Receiving refuse.  
17 Q. Right. And by the way, I apologize again. If  
18 this was gone over before, I don't recall it.  
19 When exactly did it start operating as a  
20 landfill?  
21 A. I don't know what the exact date was.  
22 Q. Do you have a general understanding of the  
23 year?  
24 A. I believe it was 1960.  
25 Q. Okay. So do you know where income statements

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1 from 1960 would be kept?  
2 A. No.  
3 Q. Do you believe the company keeps records back  
4 that far?  
5 A. Records being what?  
6 Q. I'm sorry, records such as income statements.  
7 A. Well, we should have had them at Iron  
8 Mountain. Should be certainly some there.  
9 Q. So you believe that you do retain them but  
10 they just might be at Iron Mountain?  
11 A. Yeah. I don't know what the split off in the  
12 years are.  
13 Q. Okay. By the "split off in the years," what  
14 do you mean?  
15 A. Well, I know that we have them for about the  
16 last five years at our offices.  
17 Q. Right.  
18 A. From that point on, I don't know.  
19 Q. In other words, you don't know how far back  
20 you go beyond that?  
21 A. No.  
22 Q. Do you believe it would be as far back as 1960  
23 or thereabouts?  
24 A. Those that were at Iron Mountain, yeah, I  
25 would assume so. That's an assumption.

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- 1 Q. By the way, did Los Angeles By-Products keep  
2 any kind of list of the documents deposited at Iron  
3 Mountain identifying box contents or what have you?  
4 A. No, that's one of our problems. Let me  
5 clarify that a little bit.  
6 Q. Okay.  
7 A. Iron Mountain was called Bekins, and when they  
8 were first sent to Bekins every box was identified both on  
9 the box and internally. Bekins then moved them from one  
10 location to another to another to another. In the process,  
11 descriptions started dropping off.  
12 Q. Off the boxes themselves, you mean?  
13 A. No. I have no idea what -- what were on the  
14 boxes. We never went to see what were on the boxes,  
15 only  
16 the computer forms that we received. The description on  
17 the computer forms are all blank down to, I think it was  
18 about the last maybe seven. I am not sure. Those are the  
19 only ones that have description.  
20 Q. I see.  
21 A. The rest of them are just box numbers.  
22 Q. During the years that Los Angeles By-Products  
23 was operating the Penrose Landfill, did it insure its  
24 operations there?  
25 A. Yes.  
Q. Do you know what companies it had insurance

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- 1 with?  
2 A. No.  
3 Q. Do you know any of the companies it had  
4 insurance with?  
5 A. Well, I have heard -- yeah, I have heard  
6 several.  
7 Q. And what are those?  
8 A. Well, we had some with an English outfit,  
9 Lloyds. I believe Compass is in there.  
10 Q. Compass?  
11 A. Yeah. I don't -- I don't remember the rest of  
12 them.  
13 Q. Do you know how many different insurers?  
14 A. No, not offhand.  
15 Q. Did Los Angeles By-Products have more than one  
16 insurer at a time or was it seriotum?  
17 A. We had several depending on what we were  
18 insuring.  
19 Q. And that's my next question. What type or  
20 types of insurance did Los Angeles By-Products have?  
21 A. All of the types. I don't know.  
22 Q. Can you just tell me the ones you do know?  
23 A. Yeah. We had automobile, we had fire, we had  
24 general liability. I am sure there were some others.  
25 Q. The general liability policies are those, if

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- 1 you know, what typically are referred to as comprehensive  
2 general liability or CGL policies?  
3 A. I don't know.  
4 Q. Do you know whether the general liability  
5 policy or policies had what is called a pollution exclusion  
6 in them or any of them?  
7 A. As I understand, some of the later ones did,  
8 yes.  
9 Q. Later ones meaning what?  
10 A. Later in years. I don't remember how far back  
11 it went.  
12 Q. Do you have a general idea what that cut-off  
13 was?  
14 A. No.  
15 Q. Did Los Angeles By-Products have general  
16 liability insurance for the entire period of operation of  
17 the landfill, Penrose Landfill?  
18 A. Yes.  
19 Q. Has Los Angeles By-Products tendered claims to  
20 its general liability insurers for this litigation?  
21 A. Yes.  
22 Q. Has any of its insurers agreed to provide  
23 coverage?  
24 A. Not to my knowledge.  
25 Q. Has any of its insurers agreed to provide a

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- 1 defense?  
2 A. Words, yes.  
3 Q. Words, yes, meaning that they have said they  
4 would but they haven't paid any money yet?  
5 A. We --  
6 MR. MONTES: I am going to object to this question  
7 on the basis of relevance, attorney-client privilege, and I  
8 will instruct him not to answer the question.  
9 MS. RONGONE: Well, let me just point out that  
10 insurance, at least basic insurance information is such a  
11 staple of discovery that it's a form question on California  
12 form interrogatories as well as production of documents.  
13 And I am not asking anything but the most basic questions.  
14 Of course, I would caveat that if there is  
15 something he only knows, because it's a matter of  
16 attorney-client communication, I am not intending to get  
17 into those areas. I am just determining what he knows.  
18 MR. MONTES: And I have allowed you to ask these  
19 questions, these general questions regarding insurance  
20 coverage, but when you get into the question of cost of  
21 defense and anything particular regarding the cost of  
22 defense, then that's the objectionable part, but I believe  
23 it's starting to talk about the attorney work product.  
24 MS. RONGONE: Well, actually the question was simply  
25 a question to ask him to explain his prior answer.

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1 MR. MONTES: Okay.  
2 MS. RONGONE: I asked him if any had provided a  
3 defense, and his answer was words, and my question was  
4 simply what did he mean by that. And I tried to shorten it  
5 up by interpreting it and asking him if I had gotten him  
6 correctly.  
7 MR. MONTES: Without waiving that objection, I will  
8 allow him to answer that question whether or not any of the  
9 insurance companies have provided a defense.  
10 MS. RONGONE: Provided a defense.  
11 (Inaudible discussion between the witness and  
12 his counsel.)  
13 THE WITNESS: Yes.  
14 BY MS. RONGONE: Q. And just to make sure we are  
15 talking about the same thing, by "provided a defense," I  
16 mean agreed to pay for the defense of the claim. And your  
17 answer is still yes?  
18 A. Yes.  
19 Q. Okay. And is it the case then that you would  
20 instruct him not to answer any question concerning the  
21 amounts the insurers have paid?  
22 A. Correct.  
23 Q. Have any of the insurers agreed to provide  
24 only a partial or a portion of defense?  
25 A. Yes.

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1 Q. And can you be more specific as to is it  
2 determined by percentages or –  
3 A. I don't know.  
4 Q. What's your understanding on that issue?  
5 A. Very much confused.  
6 Q. Even though it might be not much and  
7 confusing, what information do you have?  
8 A. You have it now. That's it.  
9 Q. Just that one or more of them will pay a  
10 portion of defense?  
11 A. No, not necessarily.  
12 (Inaudible discussion between the witness and  
13 his counsel.)  
14 THE WITNESS: To clarify, as I understand it they  
15 are getting together themselves, meaning the insurance  
16 companies, and they are trying to allocate certain funds  
17 from each one to come up with a total sum.  
18 BY MS. RONGONE: Q. To come up with a complete  
19 defense or a sum certain?  
20 MR. MONTES: Again, I think I will object to that.  
21 It's going way too much into this area. I think the  
22 information that you are entitled to has been answered.  
23 MS. RONGONE: You are instructing him not to answer  
24 that question?  
25 MR. MONTES: You are going into the cost of defense,

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1 payment of the cost of defense, and those are  
2 attorney-client matters.  
3 MS. RONGONE: Actually, I would disagree that they  
4 are attorney-client. They might be something else. In any  
5 event, my question once again was only to clarify his  
6 answer. He said that they are getting together and trying  
7 to allocate among themselves, and my question was basically  
8 to allocate what, the defense proportionately or specific  
9 sum?  
10 I didn't ask him what the sum was, notice.  
11 Just trying to get clarification on exactly what he was  
12 referring to. So I don't know. Again, are you instructing  
13 him not answer that?  
14 (Inaudible discussion between the witness and  
15 his counsel.)  
16 THE WITNESS: Okay. It's proportional.  
17 BY MS. RONGONE: Q. And that's on defense, not  
18 coverage. Correct?  
19 (Inaudible discussion between witness and  
20 counsel.)  
21 MR. MONTES: Excuse us for a second.  
22 (Whereupon the witness and his counsel exited  
23 the room.)  
24 (Break taken.)  
25 MR. MONTES: Please go back on the record.

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1 MS. RONGONE: Okay.  
2 THE WITNESS: Insurance companies are getting  
3 together proportion and amount to pay for the legal costs  
4 or fees.  
5 BY MS. RONGONE: Q. Had any of the insurance  
6 companies actually denied coverage?  
7 A. I don't know.  
8 Q. Do you have any understanding as to whether  
9 that's a decision that the insurance companies have made as  
10 to whether or not to grant or deny coverage?  
11 A. No. I don't know.  
12 Q. Do you know whether similar to the allocation  
13 that you described them as getting together over for the  
14 legal fees and costs, the insurance companies are also  
15 putting their heads together over allocating actual  
16 coverage costs? Do you know what I mean by coverage?  
17 A. Not really.  
18 Q. But let me define myself then. I apologize  
19 for not being clear. By coverage, I mean as opposed to  
20 paying legal fees, et cetera, which are really cost of  
21 defense actually paying for any settlement or judgment in  
22 the matter; actually paying the – you know, whatever the  
23 Court would award, if anything, or any settlement amount –  
24 A. I don't know.  
25 Q. – that you agreed to pay.

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1 You don't know?  
 2 A. I don't know.  
 3 Q. One sort of question just to clear up  
 4 regarding the Penrose Landfill. What is the address of  
 5 that property?  
 6 A. I don't know. I have heard so many different  
 7 ones.  
 8 Q. Well -  
 9 A. Commonly I believe it's 8301. I have heard  
 10 that many times. Several reports will use different  
 11 addresses. We have a post office box out there in the  
 12 Valley.  
 13 Q. What about the address 8251 Tujunga? Is that  
 14 an address that you associate with the Penrose Landfill?  
 15 A. Not necessarily. I don't go by addresses so I  
 16 don't know.  
 17 Q. Do you know whether that is an address of the  
 18 landfill or not?  
 19 A. No. I don't know.  
 20 Q. Did Los Angeles By-Products actually have  
 21 permits for the Penrose Landfill?  
 22 A. For what?  
 23 Q. For its operation, permits to operate.  
 24 A. Permits to operate a sanitary landfill? Is  
 25 that what you are asking me?

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1 Q. Or a permit to operate the Penrose Landfill,  
 2 and you don't know what type it would have been classified  
 3 as?  
 4 A. Yes.  
 5 Q. What entity issued that permit or permits?  
 6 A. Which ones?  
 7 Q. Was there more than one permit for the  
 8 operating landfill?  
 9 A. Yeah, generally speaking. You are probably  
 10 talking about just the operations of the landfill itself.  
 11 That would have started with Street Use.  
 12 Q. That same entity that we talked earlier, the  
 13 Bureau of Street Maintenance?  
 14 A. Yes.  
 15 Q. We can call them Street Use. I like that  
 16 name.  
 17 You said - I didn't quite catch it. You said  
 18 something like it would have started with Street Use. Did  
 19 it change to somebody else later?  
 20 A. Yes, a Local enforcement agency. Whether they  
 21 were in existence at the end of the Penrose site, I don't  
 22 know.  
 23 Q. So originally it was Street Use, and then it  
 24 changed to what you have been referring to as the Local  
 25 enforcement agency. Is that right?

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1 A. Yep.  
 2 Q. And was there a particular permit type -  
 3 let's stick with Street Use for a moment - that was issued  
 4 to Los Angeles By-Products to operate the Penrose Landfill?  
 5 A. Yes. As far as I can remember, it was always  
 6 a Class II-2, Roman numeral II, Arabic 2.  
 7 Q. And -  
 8 A. I don't know - now I have to clarify because  
 9 I don't remember when the new rules came in. Whether or  
 10 not it was ever designated as a Class III, which is a new  
 11 designation, I don't remember what year that came into  
 12 effect, but I said that in other -  
 13 Q. Let's stick with Class II.  
 14 A. Dash 2.  
 15 Q. Dash 2 for a moment. What is your  
 16 understanding of what being a Class II-2 landfill meant in  
 17 terms of the types of wastes you were permitted to receive?  
 18 A. Nonhazardous, no liquids.  
 19 Q. And how many rankings or designations were  
 20 there?  
 21 MR. MONTES: Objection. Vague as to time.  
 22 MS. RONGONE: It is vague as to time.  
 23 Q. You identified a period of time before there  
 24 was such a thing as a Class III ranking. Can you be more  
 25 precise about what that period of time is because that's

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1 what I would like to stick to for a moment.  
 2 A. There was a Class III ranking during the time  
 3 that our landfill was a Class II-2 also. The rankings at  
 4 that time, you had a Class I. That was a hazardous. And I  
 5 don't know if they went into subs, but there was a Class I  
 6 with a 1 and a 2 designation. I don't know, but I know  
 7 there was a Class I, that's Roman number I; and Class II,  
 8 that's Roman numeral II.  
 9 Also had a designation as 1 or 2. A 1 was  
 10 able to take liquids. The 2 was a solid. Then there was a  
 11 Class III. Class III was a solid inert. In today's  
 12 classification that is an unclassified site, solid inert.  
 13 Q. And during this time period where there were  
 14 three classifications, and you just described them very  
 15 carefully, can you be more precise as to what that time  
 16 period was?  
 17 A. No.  
 18 Q. Was it - it was, as you said, during the time  
 19 Penrose was an operating landfill so was it as early as  
 20 1960?  
 21 A. I don't know.  
 22 Q. What's your best recollection?  
 23 A. Well, for sure around the 1980s and on up,  
 24 probably to - I don't know when the new classification  
 25 went in. I just don't remember.

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1 Q. Sometime in the 1980s up to sometime later?  
 2 A. Yep.  
 3 Q. What about prior to the 1980s? Was there any  
 4 permit system in place that you know of?  
 5 A. Yes, uh-huh.  
 6 Q. Was it the same as what you have described or  
 7 different?  
 8 A. No. I really don't know. I don't know what  
 9 they were classified as. They had minimum rules and  
 10 regulations at that time, and that's what we abide by. I  
 11 don't know what they designated the landfill was.  
 12 Q. So prior to the 1980s you don't know what kind  
 13 of permit the Penrose Landfill had; is that correct? Am I  
 14 hearing you correctly?  
 15 A. Well, I know it was not a hazardous, or we  
 16 were not allowed to accept liquids. What they designated  
 17 it as, I don't remember.  
 18 Q. I see. Did Street Use or the Local  
 19 enforcement agency, as I think you referred to it, ever  
 20 perform any inspections to ensure permit compliance at the  
 21 Penrose Landfill during the time it was an operating  
 22 landfill?  
 23 A. All the time.  
 24 Q. They did so very frequently?  
 25 A. Very frequently.

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1 Q. And by that you mean they occurred on a  
 2 monthly basis? More frequently than that?  
 3 A. More frequently than that.  
 4 Q. How often then?  
 5 A. Sometimes on a daily basis; sometimes for many  
 6 hours on a daily basis. Sometimes the inspector stayed  
 7 there all day.  
 8 Q. And this was both during Street Use and the  
 9 Local enforcement agency's reigns?  
 10 A. I just remember really when Street Use had it  
 11 we had that - just that's when we were really in  
 12 operation, and I had heard once again, just heard he was  
 13 out there sometimes all day.  
 14 Q. Do you know the name or names of any of the  
 15 Street Use inspectors?  
 16 A. No.  
 17 Q. Do you know the name or names of any of the  
 18 Local enforcement agency inspectors?  
 19 A. Yes.  
 20 Q. Which ones?  
 21 A. Who do you want?  
 22 Q. Well, whichever ones. You know, I don't know  
 23 how many that I am asking you for.  
 24 A. Well, our local inspector Tonya Weaver.  
 25 Q. Anybody else that you can recall?

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1 A. Well, who do you want?  
 2 Q. Well, inspectors -  
 3 A. I have all kinds.  
 4 MR. MONTES: Let's make the question a little more  
 5 precise. At the time? Inspectors during the operation of  
 6 Penrose Landfill?  
 7 MS. RONGONE: Yeah, and I do believe I said that  
 8 initially.  
 9 THE WITNESS: Oh, then Tonya Weaver was, not to my  
 10 knowledge. Maybe she was towards the end. She was right  
 11 now and of course -  
 12 BY MS. RONGONE: Q. But during the operation of the  
 13 landfill?  
 14 A. When we were accepting refuse, no, I don't  
 15 remember the names. It's been a long time.  
 16 Q. During the time the landfill was an operating  
 17 landfill, the Penrose Landfill, did Street Use or the Local  
 18 enforcement agency issue any notices of violation or  
 19 citations?  
 20 A. Yes. We went over that earlier.  
 21 Q. Well, we did talk about enforcement orders but  
 22 I don't know that we got right to the specific issues.  
 23 A. It's the same thing. So you can copy every  
 24 one of those letter, grades, that type of thing.  
 25 Q. So to the extent that there was any notice of

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1 violation or citation, you described it earlier today in  
 2 your testimony regarding enforcement orders; is that  
 3 correct?  
 4 A. Yes, uh-huh.  
 5 Q. Okay. I notice that it is a quarter to 4:00  
 6 and you requested that we stop at a quarter to 4:00, and  
 7 start at 9:00 a.m. tomorrow morning. So with that, we will  
 8 go off the record. We will reconvene tomorrow at 9:00 a.m.  
 9 (DEPOSITION CONCLUDED AT 3:45 P.M.)  
 10 (DECLARATION UNDER PENALTY OF PERJURY ON THE  
 11 FOLLOWING PAGE HEREOF.)  
 12  
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1 DECLARATION RE DEPONENT'S READING,  
2 CORRECTING AND SIGNING DEPOSITION

3  
4

5 I hereby declare under penalty of perjury  
6 that the foregoing is my deposition under oath; are the  
7 questions asked of me and my answers thereto; that I have  
8 read same and have made the necessary corrections,  
additions

9 or changes to my answers that I deem necessary.

10

11 IN WITNESS THEREOF, I hereby subscribe my  
12 name this day of , 1996.

13  
14

15 Michael Robert McAllister

16  
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1

2 REPORTER'S CERTIFICATE

3

4 The undersigned Certified Shorthand Reporter  
5 licensed in the State of California does hereby certify:  
6 That the foregoing deposition was taken before  
7 me at the time and place therein set forth, at which time  
8 the witness was duly sworn by me;

9 That the testimony of the witness and all  
10 objections made at the time of the examination were  
11 recorded stenographically by me and were thereafter  
12 transcribed, said transcript being a true copy of my  
13 shorthand notes thereof.

14 In witness whereof, I have subscribed my name  
15 this 6th day of May, 1996.

16  
17

18 Jodi Hale, CSR, RPR  
Certificate No. 8638

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**Look-See Concordance Report**

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 UNIQUE WORDS: 1,507  
 TOTAL OCCURRENCES: 6,570  
 NOISE WORDS: 384  
 TOTAL WORDS IN FILE: 20,618

**SINGLE FILE CONCORDANCE****CASE INSENSITIVE**

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 COVER PAGES = 4

**INCLUDES ALL TEXT OCCURRENCES****DATES OFF****INCLUDES PURE NUMBERS****POSSESSIVE FORMS ON**

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**U.S. vs. ALLIEDSIGNAL Michael Robert McAllister (Vol.5) 4/30/96**

**(800) HOT-DEPO**

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**CONDENSED TRANSCRIPT AND CONCORDANCE  
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## Page 340

1  
2 IN THE UNITED STATES DISTRICT COURT  
3 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
4  
5 UNITED STATES OF AMERICA, )  
6 Plaintiff, )  
7 vs. ) CIV. NO. 93-6490 MRP (Tx)  
8 ALLIEDSIGNAL, INC., et al., ) (Consolidated Actions)  
9 Defendants, )  
10 STATE OF CALIFORNIA, on behalf )  
11 of the State Department of Toxic )  
12 Substances Control, )  
13 Plaintiff, )  
14 vs. )  
15 ALLIEDSIGNAL, INC., et al., )  
16 Defendants, )  
17  
18 DEPOSITION OF MICHAEL ROBERT MCALLISTER  
19 (Volume V)

20 Taken on Tuesday, April 30, 1996, at 9:26 a.m.

21 Location: 800 Wilshire Boulevard, Suite 1400  
22 Los Angeles, California  
23 Reporter: Jodi Hale, CSR, RPR  
24 Certificate Number 8638  
25

## Page 341

1 Deposition of Michael Robert McAllister, Volume V,  
2 taken before Jodi Hale, a Certified Shorthand Reporter for  
3 the State of California, with principal office in the  
4 County of Orange, commencing at 9:26 a.m., Tuesday, April  
5 30, 1996, at the offices of Davis Murray Shorthand  
6 Reporting Corporation, 800 Wilshire Boulevard, Suite 1400,  
7 Los Angeles, California.

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## Page 342

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1 LOS ANGELES, CALIFORNIA - TUESDAY, APRIL 29, 1996  
2 \* \* \*  
3 MS. RONGONE: On the record.  
4 MR. MONTES: Ann Rushton, representing the State of  
5 California, is not present today. I have been advised by  
6 Marie Rongone that she in fact did make efforts to -- well,  
7 did leave messages advising her that the deposition was  
8 being continued to today to nine o'clock. It's now 9:26  
9 and Miss Rushton has not yet appeared.  
10 Miss Rongone wishes to proceed with the  
11 deposition at this time. I am concerned about the State  
12 objecting to the deposition going forth without their  
13 presence, but apparently we will proceed without waiving  
14 that objection.  
15 MICHAEL R. MCALLISTER,  
16 called as a witness, and having been previously duly  
17 sworn by the Certified Shorthand Reporter, was examined  
18 and  
19 testified as follows:  
20 BY MS. RONGONE: Q. Good morning, Mr. McAllister.  
21 Is there any reason why you couldn't give your best  
22 testimony today -- medication or anything like that?  
23 A. No.  
24 Q. Dentist appointments?  
25 Since yesterday have you discussed your  
testimony with anyone?

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1 A. No.  
2 Q. Have you reviewed any documents with anyone or  
3 have you reviewed any documents period in relation to your  
4 deposition?  
5 A. No.  
6 Q. I meant to ask you yesterday, and I forgot,  
7 who are the Board members of Los Angeles By-Products?  
8 A. I am a board member. Claude VanGorden,  
9 Charles Gelhaar, G-E-L-H-A-A-R. R. M. Salisbury, Greg  
10 Brando, Larry Meyer, R. H. McAllister.  
11 Q. That's your father again?  
12 A. Yes, uh-huh.  
13 Q. And I haven't run across Mr. Brando's name  
14 before. Has he historically had any other connection with  
15 the corporation?  
16 A. Other than a director?  
17 Q. Other than as a Board member, yes.  
18 A. No.  
19 Q. How long has he been a Board member?  
20 A. I would just be guessing, probably around ten  
21 years.  
22 Q. But he has never had other employment with the  
23 corporation?  
24 A. No.  
25 Q. And how long have you been a Board member?

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1 (Whereupon Ann Rushton entered the conference  
2 room.)  
3 MR. MONTES: Did you note that Miss Rushton  
4 arrived? Off record.  
5 (Discussion held off the record.)  
6 BY MS. RONGONE: Q. I think the last question was  
7 how long have you been a Board member?  
8 A. I don't know.  
9 Q. What's your best recollection?  
10 A. Seems to me it was probably the late seventies.  
11 Q. What about Mr. VanGorden? What's your best  
12 recollection of how long he has been on the Board of  
13 Directors?  
14 A. About the same time.  
15 Q. Charles Gelhaar is also a name that I have not  
16 heard before. What other positions has he held with the  
17 company, if any?  
18 A. He hasn't.  
19 Q. How long has he been on the Board?  
20 A. About ten years, approximately the same time  
21 as Mr. Brando.  
22 Q. And R. M. Salisbury, that is Richard  
23 Salisbury?  
24 A. Yes.  
25 Q. How long has he been on the Board?

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1 A. I don't know.  
2 Q. Your best recollection would be what?  
3 A. Probably the early seventies.  
4 Q. He is also a past president of the company; is  
5 that correct?  
6 A. Yes.  
7 Q. How long was he president?  
8 A. I don't know.  
9 Q. Was he president in the 1970s or thereabouts?  
10 A. Yeah, I guess so. I don't know when he became  
11 president.  
12 Q. And do you have a general idea if he remained  
13 president for a long time, several years, or a very short  
14 period of time?  
15 A. No, several years.  
16 Q. Did you succeed him as president?  
17 A. No.  
18 Q. Who succeeded him as president?  
19 A. Mr. VanGorden.  
20 Q. And did you succeed Mr. VanGorden?  
21 A. Yes.  
22 Q. I apologize, you may have testified to it  
23 before. You just became president recently; is that  
24 correct?  
25 A. That's correct.

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1 Q. How long has Mr. Meyer been on the Board?  
 2 A. I don't remember. I don't know.  
 3 Q. What's your best recollection?  
 4 A. Probably the early eighties. I just don't  
 5 remember.  
 6 Q. And has Mr. Meyer ever held any other position  
 7 with the company?  
 8 A. No.  
 9 Q. And R. H. McAllister, how long has he been on  
 10 the Board?  
 11 A. I don't know.  
 12 Q. What's your best recollection?  
 13 A. I don't know.  
 14 Q. Has it been as long as you have been on the  
 15 Board?  
 16 A. Yes.  
 17 Q. And was he on the Board before you joined it?  
 18 A. Yes.  
 19 Q. And I believe you testified yesterday that the  
 20 company is a corporation. Did it ever have a different  
 21 structure such as partnership, sole proprietorship, any of  
 22 the available structures?  
 23 A. I don't know.  
 24 Q. You don't know?  
 25 A. No.

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1 Q. Was it a corporation when you started working  
 2 for it?  
 3 A. Uh-huh, yes.  
 4 Q. I would like to switch gears here and talk  
 5 about the Tuxford Landfill. Did Los Angeles By-Products  
 6 own the Tuxford Landfill property at one time?  
 7 A. Yes.  
 8 Q. Do you know when that was?  
 9 A. No.  
 10 Q. Do you have a general idea?  
 11 A. Probably in the fifties. I don't know.  
 12 Q. Later on we will –  
 13 A. I am just guessing.  
 14 Q. Later on we will look at some documents which  
 15 may refresh your recollection, but first I would like to  
 16 just find out what it is. The other day your counsel  
 17 mentioned that the date is 1948 to 1960. Does that sound  
 18 recollect to you?  
 19 A. I don't know when it started but it probably  
 20 finished around 1960.  
 21 Q. Did you ever have any responsibility for the  
 22 landfill operations at the Tuxford Landfill?  
 23 A. No.  
 24 Q. Did someone else at Los Angeles By-Products  
 25 have that responsibility?

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1 A. I don't know how to answer that.  
 2 Q. See if I can rephrase it. Was there a  
 3 particular person or persons employed by Los Angeles  
 4 By-Products whose – or whose part of their job  
 5 responsibility was to oversee or direct or otherwise work  
 6 on the landfill operations at the Tuxford Landfill during  
 7 the time it was an operating landfill?  
 8 A. I would assume so, yes.  
 9 Q. Do you know who that was?  
 10 A. That's an assumption.  
 11 No, I have no idea.  
 12 Q. As the 30 (B)(6) designee for Los Angeles  
 13 By-Products did you do anything to prepare yourself to be  
 14 generally knowledgeable about the landfill operations at  
 15 the site or other subjects of the 30(B)(6) notice?  
 16 A. What is a 30(B)(6) notice?  
 17 Q. It's Exhibit 1. I will show it to you. I  
 18 believe it was shown to you on the first day of your  
 19 deposition.  
 20 MR. MONTES: I think I will object to that question  
 21 on the basis that it would include attorney-client  
 22 privilege communications.  
 23 MS. RONGONE: Let me show you Exhibit 1, Mr.  
 24 McAllister.  
 25 MR. MONTES: Just look at it.

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1 BY MS. RONGONE: Q. Take a moment to look through  
 2 it, if you would like, and you will see on page 3, I guess  
 3 the page that you are open to, Item 1 refers to both the  
 4 Penrose and Tuxford Landfills as subject matters that were  
 5 to be covered in your deposition.  
 6 A. Was this shown to me when? The first day?  
 7 Q. I believe it was shown to you on the first day  
 8 of your deposition.  
 9 A. I don't remember.  
 10 Q. Go ahead and take a moment to look at it.  
 11 MR. MONTES: Excuse us for a second.  
 12 MS. RONGONE: Take your time. Feel free to take the  
 13 document with you if you wish.  
 14 (Whereupon the witness and his counsel exited  
 15 the room and subsequently returned.)  
 16 MS. RONGONE: Where are we?  
 17 MR. MONTES: Your question.  
 18 MS. RONGONE: Could we have the question read back?  
 19 THE REPORTER: "As the 30(B)(6) designee for Los  
 20 Angeles By-Products did you do anything to prepare yourself  
 21 to be generally knowledgeable about the landfill operations  
 22 at the site or other subjects of the 30(B)(6) notice?"  
 23 THE WITNESS: No.  
 24 BY MS. RONGONE: Q. Are you the person most  
 25 knowledgeable at Los Angeles By-Products concerning the

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1 Tuxford operations?  
2 A. Yes.  
3 Q. What's your basis for saying that?  
4 A. I probably worked for the company longer than  
5 anybody else.  
6 Q. Did you talk to any of your co-workers or  
7 co-officers or Board members as to whether or not they had  
8 more knowledge about the Tuxford operations than you?  
9 A. No.  
10 Q. So you don't really know that you're the  
11 person most knowledgeable? You are just assuming that  
12 based on your length of employment; is that correct?  
13 A. Yes.  
14 MS. RONGONE: Just like to state for the record that  
15 we will go forward with the deposition, but we reserve the  
16 right to contend that Los Angeles By-Products is obligated  
17 to do more to present a knowledgeable witness than the  
18 record would currently reflect in response to a 30(B)(6)  
19 notice.  
20 MR. MONTES: Well, in response, with respect to the  
21 Tuxford Landfill, that was an operation from 1948 to 1960,  
22 and there is no one currently at Los Angeles By-Products  
23 that was employed at that time.  
24 MS. RONGONE: Once again we are reserving our  
25 rights, and I would say that if you have done nothing to

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1 determine who the most knowledgeable person is, you can't  
2 just proceed on the assumption that there isn't anyone who  
3 is knowledgeable. That requires an investigation that does  
4 not appear to have taken place here. So we are just  
5 reserving our rights at this point.  
6 Q. What is the address of the Tuxford Landfill?  
7 A. I don't know.  
8 Q. Let's have this marked next in order.  
9 (Plaintiff's Exh-MRM-12 marked for  
10 identification.)  
11 BY MS. RONGONE: Q. I have placed before you and  
12 marked as MRM-12 a 20-page document. Have you seen this  
13 document before?  
14 A. Not to my knowledge.  
15 Q. As you can see, it's titled "Defendant Los  
16 Angeles By-Products Company's response to Plaintiffs'  
17 United States of America and State of California's First  
18 Joint Set of Interrogatories."  
19 Did you have any input into the preparation of  
20 this document?  
21 MR. MONTES: Objection on the ground of  
22 attorney-client privilege.  
23 MS. RONGONE: Are you instructing him not to answer?  
24 MR. MONTES: And work product privilege. Yes.  
25 BY MS. RONGONE: Q. Let me refer you to page 16 of

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1 the document, Mr. McAllister, if you will take a moment and  
2 read through Interrogatory number 9 and the response to  
3 interrogatory number.  
4 Q. Have you had a chance to review Interrogatory  
5 number 9 and the response to Interrogatory number 9?  
6 A. Yes, uh-huh.  
7 Q. Okay. As you can see, the interrogatory  
8 requests the identity of person or persons who provided  
9 information upon which the answers contained within this  
10 document are, and you are identified as providing such  
11 information. Is that true?  
12 A. Yes. I don't know what the questions are  
13 without going through it, but it's what it says, yes.  
14 Q. So does that change your answer as to the  
15 question whether you had input into the preparation of this  
16 document?  
17 A. Yes.  
18 Q. And did you?  
19 A. Yes.  
20 Q. But you have never reviewed this document?  
21 A. No.  
22 Q. So you don't know whether the information  
23 contained within it is accurate or not; is that correct?  
24 A. That's correct.  
25 Q. Let me refer you to page 13 of the document.

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1 Actually you might want to look at page 12 as well so that  
2 you can see that Interrogatory number 5 requests  
3 information regarding the Tuxford facility, and at the top  
4 of page 13 is the answer to that query.  
5 (Whereupon the witness and his counsel exited  
6 the conference room and subsequently returned.)  
7 MR. MONTES: Go ahead.  
8 MS. RONGONE: Where are we?  
9 MR. MONTES: What was the last question.  
10 (Record read.)  
11 MR. MONTES: Was there a question?  
12 MS. RONGONE: No, there wasn't. But you are ready  
13 to go forward now?  
14 MR. MONTES: Yes.  
15 BY MS. RONGONE: Q. The first question posed by  
16 Interrogatory number 5 is the dates the Tuxford activity or  
17 operation commenced and terminated, and the answer given  
18 at  
19 the top of page 13 is approximately 1948 to 1960.  
20 Did you provide that information for the  
21 purpose of this interrogatory answer?  
22 A. That information was provided from our records  
23 that we had at the office.  
24 Q. And what records did you refer to to determine  
25 those dates?  
A. There were just in the general file of

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1 Tuxford, Tuxford pit I think is what it says.  
2 Q. What document or documents contain the start  
3 date for the landfill?  
4 A. I don't remember without going back and  
5 looking.  
6 Q. Has that file or the documents contained  
7 within it been produced in this litigation?  
8 MR. MONTES: If you know, Mr. McAllister.  
9 THE WITNESS: I don't know.  
10 MS. RONGONE: Do you know, Mr. Montes?  
11 MR. MONTES: I am not the witness being deposed.  
12 MS. RONGONE: No, but we have had the witness  
13 identify documents which appear to be pertinent and  
14 responsive to our document request, and he doesn't know  
15 whether they have been produced or not. So I am asking  
16 you.  
17 MR. MONTES: And I am not being deposed here. I  
18 don't have an obligation to respond to the question. If  
19 you know, Mr. McAllister.  
20 MS. RONGONE: Okay. Well, I would request -  
21 MR. MONTES: We can talk.  
22 MS. RONGONE: I would request that if those  
23 questions have not been produced, that they be produced for  
24 the continuation of this deposition as they would appear to  
25 be clearly relevant and responsive to our document request.

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1 And while I realize you are under no obligation to answer  
2 questions, I would say that Los Angeles By-Products is  
3 under the obligation to respond to our document request and  
4 we would request that we be assured that these documents  
5 have been produced or that they be produced.  
6 McAllister.  
7 Q. Now speaking from a permit perspective, what  
8 type of operation was the Tuxford Landfill?  
9 A. I don't know what they classified it at that  
10 time.  
11 MS. RONGONE: Have this marked next in order.  
12 (Plaintiff's Exh-MRM-13 marked for  
13 identification.)  
14 BY MS. RONGONE: Q. Have you had a chance to look  
15 at permit - excuse me - MRM-13?  
16 A. Yes.  
17 Q. Can you identify it?  
18 A. Appears to be a permit to operate the Tuxford  
19 Landfill.  
20 Q. It refers to 8501 Tujunga Avenue. Is that the  
21 address of the landfill?  
22 A. I don't know.  
23 Q. Why do you assume then that it's relevant to  
24 the permit for the Tuxford Landfill?  
25 A. Because it is situated at the corner of

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1 Tujunga Avenue, Tuxford Street, San Fernando Road in  
the  
2 city of Sun Valley.  
3 Q. And that is the location of the Tuxford  
4 Landfill?  
5 A. That is the location - no, it is not the  
6 location at the present time, no. It was at this time.  
7 Q. I see. For the record, the document is or  
8 appears to be a letter from the city of Los Angeles to Los  
9 Angeles By-Products dated January 10, 1957; is that  
10 correct?  
11 A. Yes.  
12 Q. And rather than actually being a permit, it  
13 appears to reflect payments or receipt of payment for a  
14 permit fee; is that correct?  
15 A. Well, it appears that way, yes, but in those  
16 days this could have been the permit.  
17 Q. Can you expand on what you just said a moment  
18 ago? Are you saying that in those days there was no  
19 document called the permit but just a basically payment of  
20 a fee?  
21 A. I don't know without going back and reviewing  
22 the records.  
23 Q. I was just wondering what the basis of your  
24 answer a moment ago was that in those days this could have  
25 been the permit?

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1 A. This could have been, yes.  
2 Q. Right. And what's your basis for saying that?  
3 A. Because I don't remember ever seeing a thing  
4 that says this is the permit.  
5 Q. Okay. Was this type of documentation also  
6 received for Los Angeles - excuse me - by Los Angeles  
7 By-Products for the Penrose Landfill, if you recall?  
8 A. 1957, no.  
9 Q. Not necessarily in 1957 but similar  
10 documentation reflecting payment for a permit fee.  
11 A. I can't recall.  
12 Q. Okay. And have you ever actually seen this  
13 document MRM-13 before?  
14 A. I don't recall seeing it, no.  
15 Q. As you can see on the right-hand side appear  
16 the letters LABP and the Bate number 000034. That's an  
17 indication that it was copied from Los Angeles By-Products'  
18 records. Is there any doubt in your mind that this  
19 document came from Los Angeles By-Products records?  
20 A. I have no way of telling but I wouldn't doubt  
21 it. It's addressed to us.  
22 Q. Now, as you can see within the body of the  
23 text of the letter there is a reference to receipt of  
24 payment for a permit fee to operate a, quote, fill and  
25 cover dump, end quote.

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1 Do you know what a fill and cover dump was?  
 2 A. Well, I don't have personal knowledge at that  
 3 time in 1957. I can tell you what a - if you were to ask  
 4 me what a fill and cover dump was today, I could tell you.  
 5 Q. What is one today?  
 6 A. It means you take your refuse, you put it in  
 7 and then you cover it.  
 8 Q. And, if you know, was that the type of  
 9 operation conducted at the Tuxford Landfill?  
 10 A. That was the type, yes.  
 11 Q. And does that refresh your recollection at all  
 12 about the classification for the Tuxford Landfill which I  
 13 asked you about a little while ago?  
 14 A. Well, a fill and cover dump. I don't see any  
 15 other type of classification so apparently that's what they  
 16 classified at that time.  
 17 Q. Did you have a clarification or -  
 18 A. No. I was just looking at it.  
 19 Q. Okay. Just as a routine matter. I have a  
 20 couple more documents that appear to me to be of the same  
 21 time. We will have them marked next in order.  
 22 (Plaintiff's Exh-MRM-14 marked for  
 23 identification.)  
 24 MR. MONTES: Did you want to mark them collectively  
 25 or separately?

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1 MS. RONGONE: I marked them collectively.  
 2 MR. MONTES: So they will all be 13.  
 3 MS. RONGONE: No. These will be 14. They could  
 4 have been with 13 but -  
 5 MR. MONTES: Okay.  
 6 BY MS. RONGONE: Q. Have you had a chance to look  
 7 another Exhibit 14?  
 8 A. Yes, uh-huh.  
 9 Q. Can you identify it for the record?  
 10 A. It's a receipt for payment of 50 dollars for  
 11 permit number 1 for what appears to be the Tuxford  
 12 Landfill. And the second page - the first page also  
 13 referred to calendar year 1958. The second page dated  
 14 January 6, 1959, appears to be permission to operate a  
 15 fill  
 16 and cover dump at 8501 Tujunga Avenue which is the  
 17 same  
 18 location as the previous page.  
 19 Q. And it refers to the date of January 6, 1959;  
 20 is that correct?  
 21 A. Yes. This particular letter does.  
 22 Q. And both pages of Exhibit 14 are letters from  
 23 the city of Los Angeles Bureau of Street Maintenance to Los  
 24 Angeles By-Products; is that correct?  
 25 A. Yes.  
 26 Q. Now prior to 1959, which is the date of the  
 27 second page of this document, I note within that page there

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1 is reference to operation in accordance with Section 6615  
 2 of the Los Angeles Municipal Code. Do you know if prior to  
 3 the year 1959 Los Angeles By-Products was required to  
 4 operate in compliance with Section 6615 of the Los Angeles  
 5 Municipal Code?  
 6 A. I don't know.  
 7 Q. And I - pardon me - I meant at Tuxford  
 8 Landfill. Is that what your answer referred to?  
 9 A. Yes. What did you say?  
 10 Q. I didn't say specifically so I wanted to just  
 11 be clear.  
 12 Do you know if prior to 1959 there were any  
 13 regulations that Los Angeles By-Products was required to  
 14 operate the Tuxford Landfill in compliance with?  
 15 A. I don't know.  
 16 Q. Do you know what Section 6615 of the Los  
 17 Angeles Municipal Code required in 1959?  
 18 A. No.  
 19 Q. Okay. There is also reference in the second  
 20 page of Exhibit 14 to rules and regulations adopted by the  
 21 Board of Public Works governing the operation of dumps. Do  
 22 you know anything about what those rules and regulations  
 23 were?  
 24 A. For 1959, no.  
 25 Q. I have no further questions about this

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1 document right now.  
 2 Let's have this marked next in order.  
 3 (Plaintiff's Exh-MRM-15 marked for  
 4 identification.)  
 5 BY MS. RONGONE: Q. Would you like a moment and  
 6 look at the document which has been marked as MRM-15?  
 7 A. Uh-huh.  
 8 MS. RONGONE: Off record for a moment.  
 9 (Break in proceedings.)  
 10 MS. RONGONE: Back on the record.  
 11 Q. Before you stopped to review the document, I  
 12 don't believe there was a question pending. Have you had a  
 13 chance to review MRM-15?  
 14 A. Yes.  
 15 Q. Can you identify it?  
 16 A. It appears to be a permit dated July 22, 19 -  
 17 well, let's see. It was written October 14th, 1955.  
 18 Q. Well, the first page is dated October 14th,  
 19 1955; is that correct?  
 20 A. Yes, uh-huh.  
 21 Q. And while it may be a permit, its form is a  
 22 letter from the city of Los Angeles Board of Public Works  
 23 to Los Angeles By-Products; is that correct?  
 24 A. Yes.  
 25 Q. And the text of the letter indicates that the

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1 statements in an accompanying report are accepted and the  
2 operation of the dump at 11510 Tuxford Street is approved,  
3 correct?

4 A. Yes.

5 Q. Then the next two pages, let's start with the  
6 second page. Although it's not numbered, it bears the Bate  
7 number LABP quadruple 032, bears the heading  
8 "Recommendation" and it's in the form of recommending  
9 acceptance of - well, it bears the heading  
10 "Recommendation," correct?

11 A. That's correct.

12 Q. And the first few lines says or say,  
13 "Recommend one, that the sworn statement transmitted  
14 herewith be accepted as compliance with your order of July  
15 22, 1955, and the order of revocation of the permit  
16 covering the dump be canceled." And it goes on from there;  
17 is that correct?

18 A. That's correct.

19 Q. And then the last page bears the heading  
20 "Statement of ownership dump at 11510 Tuxford Street  
21 Permit" that says "8051 Tujunga Avenue," correct?

22 A. You said the permit 8501?

23 Q. No. I was just reading the heading on -

24 A. Yes. Basically, yeah.

25 Q. - the third page.

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1 And it does - let's make sure we clear that  
2 up. It refers to a dump at 11510 Tuxford Street, but then  
3 puts in parenthesis 8501 Tujunga Avenue.  
4 Does this document MRM-15 refer in fact to the  
5 Tuxford Landfill, to the best of your knowledge?

6 A. Yes, uh-huh.

7 Q. Now on page 2, as we noted, there is a  
8 reference to revocation of the permit covering the dump -

9 A. Yes.

10 Q. - at an earlier date.

11 Do you know anything about that order of  
12 revocation that the permit or the revocation of the permit?

13 A. As of this particular date, I don't have any  
14 personal knowledge.

15 Q. Do you have any knowledge of the permit for  
16 Tujunga - Tuxford pit being revoked at any time?

17 A. I think as a matter of clarification  
18 throughout the years this was basically the way they  
19 would

20 do it if they had new conditions, new rules and  
21 regulations

22 that came along.

23 Q. Are you saying that any time there were new  
24 conditions or new rules and regulations, the existing  
25 permit would be revoked and a new permit issued?

26 A. Yes.

27 Q. So there didn't need to be any lack of

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1 compliance on the permit operator's part for revocation to  
2 occur?

3 A. Oh no, no.

4 Q. The document goes on to say on page 2, that  
5 the operator should be notified that - and I am  
6 paraphrasing - all future operations must comply with the  
7 regulations for dumps as adopted by your Board on August  
8 29, 1955.

9 Are you familiar with those regulations?

10 A. When you say "your Board," whose Board?

11 Q. Well, I am just reading the document. I think  
12 if you go back to page 1, it does appear to be referring to  
13 the Board of Public Works?

14 A. That's right. Okay. What was your question  
15 again?

16 Q. My question is just whether you are familiar  
17 with the regulations being referred to there?

18 A. Well, I don't have personal knowledge of it.  
19 I have to go back in the files and take a look.

20 Q. I believe I may have a copy of them. We can  
21 look at them later.

22 A. That would be fine.

23 Q. You know of their existence?

24 A. I know of their existence, yes.

25 Q. You have seen them before?

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1 A. I am sure sometime in my lifetime working  
2 there, I have seen them, yes.

3 Q. But without looking at them, you don't know  
4 what they require?

5 A. Oh no.

6 Q. Okay. And then Item 3 on the second page of  
7 MRM-15 refers to other conditions which are made a  
8 condition of the permit. Condition 3(A) is "Each entrance  
9 to the dump shall be posted with a sign clearly legible at  
10 a distance of 100 feet stating the days and hours which the  
11 dump will be open to the public and the charge for  
12 receiving and disposing of materials authorized by the  
13 permit."

14 Did the Tuxford pit comply with that condition  
15 of its permit?

16 A. Well, I wasn't there at that particular time.  
17 I would assume that the city would revoke it if it didn't  
18 comply.

19 Q. Okay. Do you know what days and hours the  
20 dump was open to the public?

21 A. No.

22 Q. Do you know?

23 A. When you say the dump, you are talking  
24 Tuxford?

25 Q. Yes, I'm sorry. I will try to be -

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1 A. So no, I don't.  
 2 Q Do you know what the charge for receiving and  
 3 disposing of materials at the Tuxford pit was at any time  
 4 during its operational years?  
 5 A. Without looking at the records, I don't have  
 6 any personal knowledge of it.  
 7 Q. Do you believe that information is contained  
 8 in the records?  
 9 A. It's on our ledger cards.  
 10 Q. Okay. And unlike Penrose, I believe I may  
 11 have copies of some of those so we will come to those  
 12 later.  
 13 A. Unlike Penrose? Anyway, that's fine.  
 14 Q. From my perspective I don't have copies of  
 15 those for Penrose, but I may for Tuxford.  
 16 Then the next condition is "The permittee shall  
 17 accept rubbish from any person paying the posted fees  
 18 during the hours stated."  
 19 Do you know if the Tuxford pit in fact  
 20 accepted rubbish from any person paying the posted fees  
 21 during its operation?  
 22 A. For the type of refuse we were allowed to  
 23 accept, I would assume we did.  
 24 Q. And what type of refuse was Tuxford permitted  
 25 to accept?

1 A. No, not at all.  
 2 Q. Is that because it might have begun to operate  
 3 without a permit?  
 4 A. No.  
 5 Q. Then why doesn't it assist your recollection  
 6 or understanding?  
 7 A. Usually after you receive a permit it takes  
 8 time to get the landfill in shape in order to accept refuse.  
 9 Q. Is there an average or -  
 10 A. No.  
 11 Q. Or can you say in general terms how much after  
 12 receiving the permit it would be typical to be able to  
 13 begin to operate the landfill?  
 14 A. For Tuxford, I have no idea.  
 15 Q. Couldn't the landfill be ready to operate  
 16 prior to the permit being issued or contemporaneous with  
 17 the permit being issued?  
 18 A. I can only guess, but it would be very foolish  
 19 on management's part to do that.  
 20 Q. You mean if you don't have a permit, there is  
 21 no point getting it ready?  
 22 A. That's correct. You are expending funds  
 23 without knowledge of being able to operate it.  
 24 Q. Would you say that it would be likely that the  
 25 landfill would be ready to operate within a year after a

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1 A. It would be in the rules and regulations that  
 2 you say you have a copy of.  
 3 Q. And those rules and regulations would be the  
 4 only restriction on the type of refuse, as far as you know?  
 5 A. Well, it was my understanding that this -  
 6 this landfill could not accept hazardous nor liquid wastes  
 7 of any type. Whether that is stated in those rules and  
 8 regulations, I don't know.  
 9 Q. What's your understanding based on?  
 10 A. Just hearsay, I guess. Yeah, there may be  
 11 something to that nature in the records of L.A.  
 12 By-Products  
 13 for the Tuxford Landfill or Tuxford pit. I use those  
 14 interchangeably.  
 15 Q. So do I.  
 16 Do you have any particular document in mind  
 17 that would contain that information?  
 18 A. No.  
 19 Q. And if you look at the last page of the  
 20 document, the very last paragraph reads that "The original  
 21 permit to operate this dump" - and again it's referring to  
 22 Tuxford - "was issued by your Board on April 26, 1948 to  
 23 the Los Angeles By-Products company who was the owner of  
 24 the site and operator of the dump."  
 25 Does that assist your recollection or  
 information concerning when the dump began to operate?

1 permit being issued?  
 2 A. It could. I don't know.  
 3 Q. Okay. I just thought that might help. I have  
 4 no additional questions about this document right now.  
 5 MS. RONGONE: Have this marked next in order.  
 6 (Plaintiff's Exh-MRM-16 marked for  
 7 identification.).  
 8 BY MS. RONGONE: Q. Have you had a chance to review  
 9 MRM-16?  
 10 A. The first page.  
 11 Q. Okay. Let me know when you are ready.  
 12 (Discussion held off the record.)  
 13 MS. RONGONE: Back on the record.  
 14 Q. Have you now had an opportunity to look at  
 15 MRM-15?  
 16 A. Yes.  
 17 Q. Can you identify it for the record?  
 18 A. It's a letter written from Street Maintenance  
 19 to L.A. By-Products company dated January 5, 1960.  
 20 Q. Does it appear to be the same type of document  
 21 as I believe it was - excuse me. My copy of 16 got  
 22 swallowed up.  
 23 Does it appear to be the same type of document  
 24 as MRM-15 only dated January 5th, 1960?  
 25 A. Well, it's worded differently.

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1 Q. Yes, I recognize that, but just to try and  
2 shorten things up, does it appear to be approval of  
3 permission to operate a fill and cover dump for Tujunga pit  
4 with - well, with attached documents, attached permit?  
5 A. No.  
6 Q. It's a little different actually, isn't it?  
7 A. **This is a permit to operate Tuxford.**  
8 Q. Is this an actual permit to operate Tuxford?  
9 MR. MONTES: No. I think the correction is you  
10 referred to the Tujunga rather than Tuxford.  
11 MS. RONGONE: Sorry, I did. I misspoke.  
12 Q. I meant Tuxford.  
13 A. Okay.  
14 Q. But this is basically a permit to operate the  
15 Tuxford pit, correct?  
16 A. **It appears to be, yes.**  
17 Q. Okay. And it's dated January 5, 1960.  
18 Correct?  
19 A. Yes.  
20 Q. Do you know if the landfill operated for or  
21 throughout 1960?  
22 A. **I don't know without going back and looking at**  
23 **the records.**  
24 Q. But in any event it did - Los Angeles  
25 By-Products did renew its permit as of January 5, 1960, at

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1 least according to this document. Correct?  
2 A. **Well, it must have been prior to that. We**  
3 **have got Board action December 30, 1959.**  
4 Q. In other words, the application would have  
5 been made prior to 1960?  
6 A. Yes.  
7 Q. Yes, I understand. This document is dated  
8 January 5, 1960. That was my reference.  
9 A. Yeah.  
10 Q. But you don't know whether Los Angeles  
11 By-Products operated during 1960 or throughout 1960; is  
12 that correct?  
13 A. **That's correct.**  
14 Q. I don't have any additional questions about  
15 this document.  
16 Now have any of these documents refreshed your  
17 recollection as to what classification the landfill had?  
18 A. No.  
19 Q. Let me refer you back to MRM-12, page 13. If  
20 you look at the bottom of page 13 at approximately lines 26  
21 and 27, you see there is that that is a response to  
22 Interrogatory number 6. Interrogatory number 6(A) at line  
23 13 - well, let me back up. Interrogatory number 6  
24 requests information -  
25 A. Wait a minute.

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1 Q. - concerning hazardous substances which have  
2 leaked, spilled or otherwise been released into the  
3 environment.  
4 And in response to that at the bottom of the  
5 page it reads, "Response to interrogatory number 6,  
6 operation of a Class II landfill approximately" colon "a)  
7 none."  
8 And I don't pretend to understand that, but I  
9 want to focus on moment on the operation of a Class II  
10 landfill in relation to the Tuxford facility.  
11 Do you know where that information came from?  
12 A. **A Class II would be basically your**  
13 **cut-and-fill type landfill. It's just a general**  
14 **classification.**  
15 (Inaudible discussion between the witness and  
16 his counsel.)  
17 THE WITNESS: That Class II limits the type of  
18 refuse that would be acceptable and it would be the same as  
19 what was designated back in the earlier documents; in other  
20 words, no hazardous nor liquids.  
21 BY MS. RONGONE: Q. My question, though, is if you  
22 don't know what class landfill Tuxford Landfill was, do you  
23 know where this information came from?  
24 A. **Apparently came out of our files.**  
25 Q. Do you know what document or documents contain

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1 that information?  
2 A. No.  
3 (Inaudible discussion between the witness and  
4 his counsel.)  
5 BY MS. RONGONE: Q. What does cut and fill - I'm  
6 sorry. Is there another conference?  
7 (Inaudible discussion between the witness and  
8 his counsel.)  
9 BY MS. RONGONE: Q. Did you have something to add  
10 to your answer?  
11 A. No.  
12 Q. I don't think I got an answer for that  
13 question. Could we go back and check?  
14 MR. MONTES: I think you were starting a new  
15 question.  
16 MS. RONGONE: Could you read back whatever my last  
17 question was?  
18 (Record read.)  
19 BY MS. RONGONE: Q. What does cut and fill mean?  
20 A. **Cut and fill is a term used - you take a**  
21 **dozer or some other heavy piece of equipment and you**  
22 **can**  
23 **actually - you can cut into the side or somehow cut the**  
24 **earth and make an area where refuse can be disposed of.**  
25 Q. So is that different then from just having an  
open pit like, for instance, an empty rock quarry?

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1 A. Well, I think we will need to clarify a rock  
2 quarry has some areas that can be cut and then filled. It  
3 can also be if it's a perfectly, perfect basin then it's  
4 just a fill and cover. So it can have - can have both.  
5 Q. So was Penrose a fill and cover landfill?  
6 A. I would consider Penrose at the beginning, the  
7 pictures that I saw, would probably be both.  
8 Q. Penrose was both fill and cover and cut and  
9 fill?  
10 A. Yes.  
11 Q. But Tuxford was cut and fill?  
12 A. No, not necessarily fill and cover, and there  
13 could possibly be some cut and fill.  
14 Q. What was Tuxford pit prior to its acquisition  
15 by Los Angeles By-Products?  
16 A. I don't know - oh, the use or what was it?  
17 Q. Well, both.  
18 A. What did you ask me?  
19 Q. I said what was it? I guess I really meant  
20 what was it used for?  
21 A. Apparently - of course I wasn't even alive  
22 when that was happening, but apparently it was an  
23 excavated  
24 rock, sand and gravel quarry.  
25 Q. And who did Los Angeles By-Products purchase  
the Tuxford pit from?

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1 A. I don't know.  
2 Q. Was the purchase actually made in 1948 or in  
3 that relative time frame?  
4 A. I don't know.  
5 Q. Do you have any idea when Los Angeles  
6 By-Products acquired the Tuxford pit?  
7 A. No.  
8 Q. What's your understanding that it was an  
9 excavated rock and gravel quarry based upon?  
10 A. Because it's a pit.  
11 Q. Did you ever see photographs or any other  
12 documentation which showed you that it was a pit prior to  
13 being filled?  
14 A. Did I see the pictures prior to it being  
15 filled? No, I wasn't alive.  
16 Q. I didn't ask you that.  
17 A. That's the way it sounded to me.  
18 Q. Perhaps I could have phrased it better. My  
19 question is whether you ever saw a document or a  
20 photograph  
21 or any other representation that showed the location as  
22 being an excavated rock and gravel quarry?  
23 A. Yes.  
24 Q. What did you see that showed that to you?  
25 A. I think it's a drawing that I saw. I don't  
remember what date it was. It indicated it was a hole.

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1 Q. Like an artist's representation?  
2 A. I would say it was more an engineering.  
3 Q. Was that document in Los Angeles By-Products'  
4 files?  
5 A. Should be, yeah.  
6 Q. And you mentioned a moment ago pictures that  
7 you saw. Are you referring to the same document or are  
8 there other pictures that you have seen?  
9 A. No, same document.  
10 Q. And that's the only graphic representation you  
11 have ever seen of the Tuxford pit or Tuxford Landfill?  
12 A. Ever seen?  
13 Q. Okay.  
14 A. That's the only one I can remember seeing.  
15 Q. Do you know what types of refuse were  
16 accepted at the Tuxford pit?  
17 A. Yes. They would be in our permit under the  
18 rules and regulations.  
19 Q. Let's see if I can locate that document. Have  
20 this marked next in order:  
21 (Plaintiffs' Exh-MRM-17 marked for  
22 identification.)  
23 BY MS. RONGONE: Q. You want to take a moment to  
24 review this document?  
25 A. Okay.

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1 MR. MONTES: Wait -  
2 MS. RONGONE: Let's go off the record.  
3 (Break taken.)  
4 BY MS. RONGONE: Q. Have you had a chance to review  
5 MRM-17?  
6 A. Yes, uh-huh.  
7 Q. Do you recognize this document?  
8 A. I have seen this document, yes.  
9 Q. And where have you seen it before?  
10 A. It's been in our files.  
11 Q. For the record, could you identify it, please?  
12 A. Minimum regulations for dumps in city of Los  
13 Angeles adopted by the Board of Public Works, August  
14 29,  
15 1955, Amended March 12, 1958.  
16 Q. Are these the regulations that you've referred  
17 to in your testimony as those that would have governed the  
18 operation of the Tuxford pit during the time it was an  
19 operating landfill?  
20 A. Yes, and they would have changed over the  
21 years just like it's shown here on the cover sheet.  
22 Q. Yes. They show amendment as of March 12,  
23 1958.  
24 In your review of the document were you able  
25 to identify any specific portion of it that regulated the  
types of waste accepted at the Tuxford pit?

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- 1 A. No, just those that are excluded.  
 2 Q. And where do you find that reference? Are you  
 3 referring to Item 3(D) on page 4?  
 4 A. Yes. Here it is page 4, Item 3(D). Is that  
 5 what you said?  
 6 Q. Yes.  
 7 A. Yes, uh-huh.  
 8 Q. Okay. And that lists a number of constituents  
 9 or materials that may not be permitted in the waste  
 10 disposed of at the landfill, correct?  
 11 A. Yes. This is within the rules and  
 12 regulations. Now there may be additional rules and  
 13 regulations as of permit on each given year.  
 14 Q. Right. As some of the documents we looked at  
 15 indicated, that in certain years there were additional  
 16 conditions. But just focusing on what's here –  
 17 A. Uh-huh.  
 18 Q. – the first item listed is wastes containing  
 19 oils. What kinds of wastes would have contained oils?  
 20 A. For 1957, I don't know.  
 21 Q. Well, I didn't really ask you in – why did  
 22 you focus on 1957 particularly?  
 23 A. That's what we are looking at here, isn't  
 24 it? This is the – this is amended March 12, 1958.  
 25 Q. Right.

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- 1 A. So we are talking about waste containing oils  
 2 in 1958.  
 3 Q. Well, are you clear from your review of this  
 4 document that Item 3(D) was not part of the original  
 5 regulations but was part of a 1958 amendment?  
 6 A. This would be probably the 1958. Now if it  
 7 goes back prior years, I don't know what those rules and  
 8 regulations would be.  
 9 Q. Okay. Generally speaking, in the period 1948  
 10 to 1960, what waste would have been excluded from the  
 11 landfill, the Tuxford Landfill because they contained oils?  
 12 A. Well, I don't know.  
 13 Q. What wastes in that same time frame at the  
 14 Tuxford Landfill would have been excluded because they  
 15 contained paints?  
 16 (Inaudible discussion between the witness and  
 17 his counsel.)  
 18 (Whereupon the witness and his counsel exited  
 19 the conference room and subsequently returned.)  
 20 BY MS. RONGONE: Q. I believe there's a question  
 21 pending. Do you want me to have it read back?  
 22 A. Yes, please.  
 23 THE REPORTER: "What wastes in that same time frame  
 24 at the Tuxford Landfill would have been excluded because  
 25 they contained paints?"

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- 1 THE WITNESS: In that time frame, I don't know..  
 2 BY MS. RONGONE: Q. There's a number of items  
 3 listed here – well, let's just go through them.  
 4 What wastes would have been excluded during  
 5 the time the Tuxford Landfill was operating because they  
 6 contained varnishes?  
 7 A. During this time period, I don't know.  
 8 Q. Do you know for another time period?  
 9 A. Yes, uh-huh.  
 10 Q. What time period do you know for?  
 11 A. Well, we have to get back into the Penrose.  
 12 Q. Could you explain what you mean?  
 13 A. Sure. In – in later years, paints, and I  
 14 will include your varnishes, could have been included in  
 15 large paint containers, 55-gallon containers. We did not  
 16 accept those back in 1958. I don't know how people  
 17 containerized those things.  
 18 Q. So what you are saying then is that containers  
 19 of oils or containers of points would have been excluded?  
 20 A. Among other things, yeah. You could say  
 21 that. I don't know what – how they would be bringing it  
 22 in. I would have to be there.  
 23 Q. And you weren't there?  
 24 A. No, I wasn't there. Not '58, no.  
 25 Q. What wastes would have been excluded because

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- 1 they contained drugs and medicine?  
 2 A. At this point in time for this period of time,  
 3 I don't know.  
 4 Q. And if you know for another period of time,  
 5 could you state?  
 6 A. Drugs and medicines didn't come into Penrose.  
 7 Q. We are talking about Tuxford.  
 8 A. Well, I don't know this period of time.  
 9 Q. What types of wastes would have been excluded  
 10 because they contained chemicals?  
 11 A. I don't know.  
 12 Q. What types of wastes would have been excluded  
 13 pause they contained phenols?  
 14 A. I don't know.  
 15 Q. What types of wastes would have been  
 16 excluded – and again we are talking about the time during  
 17 the time Tuxford was operated – because they contained  
 18 creosote compounds?  
 19 A. I don't know.  
 20 Q. Just so as to save my voice, do you mind if I  
 21 just go down the list without repeating the full question  
 22 every time? The basic question is what types of wastes  
 23 would have been excluded from being deposited at the  
 24 Tuxford Landfill during the time it was an operating  
 25 landfill because they contained fill-in the blank. Acids?

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1 A. I don't know.  
2 Q. Brines?  
3 A. I don't know.  
4 Q. Caustics?  
5 A. I don't know.  
6 Q. Organic industrial wastes?  
7 A. I don't know.  
8 Q. Dead animals or fowls? That's a pretty easy  
9 one. Why don't we skip it. Garbage? What wastes would  
10 have been excluded because they contained garbage?  
11 A. Garbage was not brought into Tuxford, to my  
12 knowledge, because it was taken out to Pomona area.  
13 Q. And how are you defining garbage?  
14 A. It's a wet substance left over from  
15 preparation of foods.  
16 Q. Is that a -- or is that a generally-accepted  
17 definition within the industry?  
18 A. I don't know.  
19 Q. What are you basing that definition on?  
20 A. I have read it somewhere.  
21 Q. Is it your belief that that type of waste, as  
22 you defined it, is what's being referred to here in MRM-17?  
23 A. Talking about garbage?  
24 Q. Yes.  
25 A. Yes.

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1 Q. And what do you base that opinion on?  
2 A. Because the garbage went out to the pig farms  
3 out in Pomona. I thought I just said that. Didn't I just  
4 say that?  
5 Q. I am asking you a slightly different question  
6 or at least trying to.  
7 As I understand your answer to my question a  
8 moment ago, you're interpreting garage, as it's used here  
9 in the minimum regulations, to mean garbage as you defined  
10 it, which you said you read somewhere. And I am just  
11 wondering what your basis for that interpretation is. How  
12 do you know that what you define as garbage is what's being  
13 referred to in MRM-17?  
14 A. Do you have another definition for it?  
15 Q. No, I don't.  
16 A. I don't know.  
17 Q. Okay. I think when we will skip waste from  
18 privies or chemical toilets. What types of wastes would  
19 have been excluded during the time that Tuxford was an  
20 operating landfill because they contained well brines?  
21 A. I believe that says oil well brines.  
22 Q. Excuse me, oil well brines.  
23 A. I don't know.  
24 Q. Do you know what an oil well brine is?  
25 A. No.

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1 Q. Okay.  
2 A. At this point in time, no.  
3 Q. Did you know at some other point in time?  
4 A. No.  
5 Q. Did the Tuxford Landfill accept any  
6 contaminated or polluted oil well drilling muds?  
7 A. No, not to my knowledge.  
8 Q. And how do you know?  
9 A. Because they weren't allowed to accept it.  
10 Q. So you assumed that if they weren't allowed to  
11 accept it, they didn't accept it?  
12 A. You bet that's a yes.  
13 Q. Okay. How about oil dehydration tank waste?  
14 Did they accept those?  
15 A. No.  
16 Q. Did they accept tank bottoms?  
17 A. No.  
18 Q. Did they accept acid sludges?  
19 A. No.  
20 Q. Did they accept any liquid waste whatsoever?  
21 A. No.  
22 Q. Did they accept solid waste?  
23 A. Yes.  
24 Q. Did they accept solid waste which could  
25 deleteriously affect a water supply?

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1 A. No.  
2 Q. How do you know that?  
3 A. Because they were not allowed to accept it.  
4 Q. Do you know what types of solid waste would  
5 deleteriously affect a water supply?  
6 A. No.  
7 Q. I note that solvents are not excluded from  
8 being deposited at the Tuxford pit?  
9 A. I believe they are because it's a liquid.  
10 Q. You believe they would be contained within  
11 liquid?  
12 A. Yes. Chemicals, phenols, drugs, medicines,  
13 and a catch-all and other liquids.  
14 Q. Okay. There was a reference in the last  
15 couple of lines of item 3(D) on this same page to allowing  
16 acceptance of the materials otherwise listed here if  
17 specifically permitted and approved as a deviation under  
18 Section 7 of the same document.  
19 To your knowledge did Los Angeles By-Products  
20 ever obtain any specific permission to accept any of the  
21 wastes listed in item 3(D)?  
22 A. Years later I can remember seeing garbage if  
23 it was properly wrapped, but I believe that was in the  
24 Penrose.  
25 Q. And how did garbage have to be wrapped in

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1 order to be accepted at Penrose?  
 2 A. How?  
 3 Q. Yes. You said properly?  
 4 A. Wrapped.  
 5 Q. You said properly wrapped.  
 6 A. It had to be wrapped. It had to have some  
 7 paper around it. It could not just be brought in as a  
 8 liquid.  
 9 Q. So Los Angeles By-Products did accept garbage  
 10 as you defined it earlier at the Penrose Landfill as long  
 11 as it was wrapped in paper?  
 12 A. At Penrose, that's correct.  
 13 Q. Okay.  
 14 A. What year that began, I don't remember. And  
 15 you said earlier, I think, and that's not correct. It  
 16 would be later than this.  
 17 Q. If I said earlier then I misspoke, because you  
 18 did make clear it would be later. When you say "later than  
 19 this," you mean later than 1958?  
 20 A. Yes. Penrose wasn't even in operation.  
 21 Q. Do you know if Penrose had a special permit to  
 22 accept garbage?  
 23 A. No. It was just part of the permit. Seems to  
 24 me I saw one piece of paper that amended it. It was in the  
 25 time period probably in between the pig farms and  
 people

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1 having garbage disposals.  
 2 Q. Okay. On item 3(E) requires manure to be  
 3 placed at the lift and then it talks about how it has to be  
 4 properly covered and so forth and so on. Was manure placed  
 5 at the bottom of the lift at the Tuxford Landfill?  
 6 A. Tuxford, I don't know.  
 7 Q. What about at Penrose Landfill?  
 8 A. Yes.  
 9 Q. Where was the manure obtained from?  
 10 A. People, trucks.  
 11 Q. Pardon me?  
 12 A. Trucks coming through our gate.  
 13 Q. It was brought onto the landfill, yes, I  
 14 understand that.  
 15 A. Yes.  
 16 Q. I was wondering where it was brought from?  
 17 A. I don't know.  
 18 Q. Okay. And is what's being referred to there a  
 19 lift of refuse as you described earlier in your deposition?  
 20 A. Yes, uh-huh.  
 21 Q. Okay. On Item G states - this is again on  
 22 page 4, Item 3(G), a representative of the dump operator  
 23 shall be present during dumping operations to control and  
 24 supervise the activities.  
 25 Who was the representative of Los Angeles

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1 By-Products present at Tuxford Landfill to control and  
 2 supervise the activities?  
 3 A. I don't know.  
 4 Q. But there was someone?  
 5 A. Yes.  
 6 Q. Is there anyone who would know?  
 7 A. I don't know.  
 8 Q. I don't think I have any additional questions  
 9 about this document right now.  
 10 Do you know whether Los Angeles By-Products  
 11 did anything after raring - excuse me - acquiring the  
 12 Tuxford pit to prepare it to be a landfill?  
 13 A. I don't know what was required.  
 14 Q. And you don't know what was done either?  
 15 A. (Witness shakes head.)  
 16 Q. You have to answer verbally.  
 17 A. No.  
 18 Q. Do you know if Los Angeles By-Products used  
 19 any contractors to do whatever construction might have been  
 20 necessary to prepare the Tuxford pit to accept landfill  
 21 waste?  
 22 A. I don't know.  
 23 Q. Do you know what the capacity of the Tuxford  
 24 Landfill was?  
 25 A. No.

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1 Q. Have this marked next in order.  
 2 (Plaintiff's Exh-MRM0 18 marked for  
 3 identification.)  
 4 BY MS. RONGONE: Q. Let me know when you have had  
 a  
 5 chance to review the document.  
 6 A. Okay.  
 7 Q. Have you seen MRM-18 before?  
 8 A. I don't believe so, no.  
 9 Q. Okay. For the record, I will just state that  
 10 MRM-18 is or appears to be a two-page letter dated May 11,  
 11 1959, to Mr. Robert H. Flavell, Appraiser, from S.G.  
 12 Gillette, Chief Engineer, Los Angeles By-Products.  
 13 As you can see, Mr. McAllister, this document  
 14 also bears Bate numbering which indicates it came from Los  
 15 Angeles By-Products' files.  
 16 Do you have any reason to believe that this  
 17 document did not come from Los Angeles By-Products' files?  
 18 A. No.  
 19 Q. And if you have reviewed the document, you can  
 20 see that it is addressing the volume at the Tuxford pit,  
 21 which it fixes at 1,819,300 cubic yards of rubbish. You  
 22 see what I am referring to?  
 23 A. Yes, I see what you are referring to but  
 24 that's of refuse, yes.  
 25 Q. Yes, that's of - well, it says rubbish?

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1 A. It says rubbish, okay, uh-huh.  
2 Q. Do you have any reason to disagree with that  
3 description of the capacity of the Tuxford pit?  
4 A. For this date, no.  
5 Q. So as of May 11th, '59, to the best of your  
6 knowledge this document is accurate concerning the  
7 capacity  
8 of the Tuxford pit?  
9 A. For that particular date, yes.  
10 Q. Okay. Do you know of the pit having a  
11 different capacity at a different date?  
12 A. No.  
13 Q. Why do you say then so specifically that for  
14 that date this is correct?  
15 A. Because you are talking about refuse, or, in  
16 this case, he has designated as rubbish. And if the  
17 bottom  
18 was not perfectly level - we were describing that a little  
19 bit before - it becomes a cut and cover. Therefore as you  
20 cut the amount of dirt, it does allow more refuse to be  
21 disposed of there; however, the overall volume would not  
22 change because the dirt that is in place is just moved  
23 over  
24 to a different section but the rubbish would change.  
25 Q. But the overall volume would not change; is  
that correct?  
A. Cubic yards available for fill space would not  
change.

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1 Q. Okay. Do you know who S.G. Gillette is?  
2 A. Yes. Sid Gillette.  
3 Q. Is he someone who was previously employed by  
4 Los Angeles By-Products?  
5 A. Yes, uh-huh.  
6 Q. He is not among the employees you listed  
7 yesterday so I assume he is not still employed?  
8 A. That's correct.  
9 Q. How long was Mr. Gillette with Los Angeles  
10 By-Products?  
11 A. I don't know.  
12 Q. Is he retired?  
13 A. Yes.  
14 Q. When did he retire?  
15 A. I am not sure of the date.  
16 Q. Do you have a general recollection?  
17 A. Approximately 1961, just approximate.  
18 Q. Is he still living?  
19 A. No.  
20 Q. Was he succeeded by someone else who took the  
21 position of chief engineer?  
22 A. Yes.  
23 Q. Who was that?  
24 A. I believe it was Dick Salisbury but I am not  
25 sure if he actually - if there was another one that was in

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1 between. I don't remember.  
2 Q. So at one time Mr. Salisbury was chief  
3 engineer on the engineering staff of the company?  
4 A. Yes.  
5 Q. Do you recall approximately how long Mr.  
6 Salisbury was an engineer or chief engineer with the  
7 company?  
8 A. No.  
9 Q. Did he retain that title after he became  
10 president?  
11 A. No.  
12 Q. Did he have any other titles in between being  
13 engineer and president?  
14 A. No.  
15 Q. I don't have any additional questions about  
16 MRM-18 right now.  
17 And just to clarify, you don't have any  
18 information as to how the pit was constructed for the  
19 purposes of making it an operating landfill; is that  
20 correct?  
21 A. I don't quite understand what you are saying.  
22 Q. I am sorry. I asked you a little while ago if  
23 you knew how the pit was constructed or prepared to operate  
24 as a landfill, and I thought you said you didn't know, and  
25 I was - just wanted to nail that down before I moved on.

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1 A. No. I - I am becoming unclear now what you  
2 are trying to get at. Be more specific on the items, I  
3 guess.  
4 Q. I don't know that I can be more specific.  
5 A. Well, I don't know and I haven't changed. I  
6 don't know.  
7 Q. You don't know how Tuxford pit was constructed  
8 for the purposes of having it become an operating landfill;  
9 is that correct?  
10 A. That's correct.  
11 Q. Okay. Do you know if the Tuxford Landfill was  
12 lined or unlined?  
13 A. I can just assume. That would be all. I  
14 don't know. I wasn't there.  
15 Q. So you don't know if it was lined?  
16 A. Well, I wasn't there to inspect it.  
17 Q. Well, there are other ways to find things out  
18 so I will ask you do you have any information whatsoever or  
19 any understanding as to whether the Tuxford Landfill was  
20 lined or unlined?  
21 A. No. All I can do is assume that it was not  
22 lined.  
23 Q. And why would you assume that?  
24 A. Because the lining of landfills didn't come  
25 until quite late.

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- 1 Q. You mean it didn't become common to line  
2 landfills until some later date after the operational date  
3 of the Tuxford Landfill?  
4 A. That's correct.  
5 Q. I won't pull it out right now but later on we  
6 will look at the SWAT for Tuxford and it refers to Tuxford  
7 at P page 4 as a daily cover type landfill.  
8 Do you know what that term means?  
9 A. Yeah. It's just like we were talking about  
10 cut and cover and fill and cover, and this is a daily  
11 cover. Whenever they refer to cover, they are talking  
12 about clean earth over the top of the working face at the  
13 close of landfill operation as on a daily basis.  
14 Q. I see. Okay. Is there a leachate collection  
15 system at the Tuxford Landfill?  
16 A. I don't know.  
17 Q. Are there any groundwater-monitoring wells at  
18 the Tuxford Landfill?  
19 A. Yes.  
20 Q. Do you know how many?  
21 A. I believe that there are two.  
22 Q. And is there a landfill gas collection or  
23 monitoring system of any kind at the Tuxford Landfill?  
24 A. I don't know.  
25 Q. Are there any records of the types of wastes

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- 1 received at the Tuxford Landfill?  
2 A. The only record would be on the pit tickets  
3 themselves. I believe there were about four different  
4 classifications. That would be about the only records that  
5 I can recall. That and what is on the ledger sheets  
6 themselves.  
7 Q. Off record for a moment.  
8 (Discussion held off the record.)  
9 BY MS. RONGONE: Q. Let me refer you to the  
10 document that has been marked as MRM-6. If you could look  
11 at it, I believe it's the third or fourth page of that  
12 document. You have opened it to the fourth page of the  
13 document which is Bate numbered LABP 18?  
14 A. Third page.  
15 Q. Third page. Is that what you refer to as a  
16 pit ticket?  
17 A. Yes, uh-huh.  
18 Q. And I note that listed on that document there  
19 are a few different categories of refuse or rubbish,  
20 whatever you prefer to call it. Is that what you were  
21 referring to as the types of wastes received or the only  
22 record?  
23 A. Yes.  
24 Q. Since I don't seem to have my copy of that  
25 document in front of me, would you read into the record the

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- 1 types of rubbish received? Would you prefer that I read  
2 it?  
3 A. No. I am just -- concerned that this is  
4 actually Tuxford. What's the year?  
5 Q. Let me see. Well, sir, I can only tell you  
6 what's on the page, and I don't see a reference to a date,  
7 at least not to a year but I do note that at the top of the  
8 copy of the pit ticket, it says "Tuxford pit." So does  
9 that help you to know whether this pit ticket refers to  
10 Tuxford pit or not?  
11 A. Yes. Okay. I'm sorry.  
12 Q. Are you comfortable now that the document  
13 refers to Tuxford pit?  
14 A. Yes, entrance at Penrose and Tujunga.  
15 Q. And I think my last question, would you mind  
16 reading out into the record the types of refuse received at  
17 Tuxford pit as dated on the pit ticket?  
18 A. Non-combustible, combustible, mixed brush and  
19 specials.  
20 Q. What does non-combustible consist of?  
21 A. Items that cannot be burned.  
22 Q. And combustible is the opposite of that?  
23 A. That's correct.  
24 Q. What does mixed refer to?  
25 A. I don't know. We could assume things but I

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- 1 don't know.  
2 Q. Well, I don't want you to guess but if you  
3 have a reasonable basis based on your experience in the  
4 industry as to what the term mixed means then I would ask  
5 you to state what that is.  
6 A. I don't know.  
7 Q. What does brush refer to?  
8 A. Be garden wastes, garden trimmings, tumble  
9 weeds, brush that's been excavated off of vacant lots to  
10 control the fires.  
11 Q. And what does specials refer to?  
12 A. I don't know.  
13 Q. Each page -- well, let's go back to the first  
14 page of MRM-6. Can you identify this document?  
15 A. The Nelson Investments, is that the one we are  
16 talking about?  
17 Q. Yeah. For the record, I will just describe  
18 this as a copy of what may be perhaps an index card, with  
19 the typed name and address of company or entity called  
20 Nelson Investments. Have you ever seen this document  
21 before?  
22 A. No, not to my knowledge.  
23 Q. Does Los Angeles By-Products have within its  
24 records index cards or some similar document with customer  
25 information on it?

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- 1 A. Similar document, yes. Ledger cards.  
2 Q. This is a copy of a ledger card?  
3 A. No.  
4 Q. Do you know what this is?  
5 A. No.  
6 Q. Do you recognize the name Nelson Investments?  
7 A. No.  
8 Q. Let's look at page 2 of MRM-6. Can you  
9 identify this document?  
10 A. Well, I can tell you what it says -- yeah, a  
11 statement. Los Angeles By-Products Company.  
12 Q. Have you ever seen this or a similar document  
13 in Los Angeles By-Products files?  
14 A. Ever?  
15 Q. Ever.  
16 A. I don't know.  
17 Q. You recognize the format of the document as  
18 being a Los Angeles By-Products statement format?  
19 A. This is ways back. I don't remember it.  
20 Q. Okay. Again, these documents do bear the  
21 legend LABP and Bate numbers. Do you have any doubt in  
22 your mind that they came from Los Angeles By-Products  
23 files?  
24 A. I would assume that they came from our files.  
25 Q. You just aren't personally familiar with them?

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- 1 A. Not with this particular document, no.  
2 Q. Who was Nelson Investments, if you know?  
3 A. I don't know.  
4 Q. Do you know what kind of business it was?  
5 A. I don't know.  
6 Q. And if you could look at the next pages, the  
7 next two pages actually. We are back to copies of the pit  
8 tickets. Who was C.E. Thomas?  
9 A. I don't know.  
10 Q. And on the next page which is Bates numbered  
11 20, there is a handwritten annotation, which reads to me at  
12 least, looks like Bob C. Do you know who Bob C. was?  
13 A. No. Can I tell you who I think it is?  
14 Q. If you have some reasonable basis for  
15 thinking it's somebody, yes.  
16 A. Sure. I believe it would be a truck driver  
17 that brought in the mixed -- looks like four yards of mixed  
18 refuse of some type from Nelson Investments.  
19 Q. So was it customary then to have the truck  
20 driver sign the pit ticket?  
21 A. We always had the truck driver sign, that's  
22 correct.  
23 Q. What was the purpose of having the driver sign  
24 the pit ticket?  
25 A. That was part of his receipt so that when he

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- 1 took it back to his bookkeeping system they would know  
that  
2 he was the driver that brought in this particular load.  
3 Q. And as you note at both LABP 18 and LABP 20  
4 within MRM-6 appear to refer to four something of mixed at  
5 200. I thought you said four yards?  
6 A. Uh-huh. That would be four yards, probably  
7 four yards and the charge was two dollars.  
8 Q. Is that a cubic yard?  
9 A. I would assume so.  
10 Q. And that's how charges were made by cubic yard?  
11 A. I would assume so.  
12 Q. What does the 200 refer to, if you know?  
13 A. Probably two dollars.  
14 Q. Two dollars.  
15 There appears to be on both copies of the pit  
16 tickets some stamping, upside down stamping at the bottom  
17 of each document --  
18 A. Uh-huh.  
19 Q. -- with maybe dates and times. I am not  
20 sure. That's what it looks like to me. Do you know what  
21 it is?  
22 A. It looks like the date, the amount, and I  
23 don't know what the other number would be.  
24 Q. So, for example, let's just focus on LABP 18.  
25 It says, if you turn it right side up, January 24. That's

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- 1 a reference to the date the refuse was brought to the  
2 landfill?  
3 A. Yes.  
4 Q. And then it says "E," capital letter "E." Do  
5 you know what that refers to?  
6 A. No.  
7 Q. And then it says two dot zero one. Is that a  
8 reference to the property?  
9 A. I believe it's two dot zero, and the last zero  
10 is not shown.  
11 Q. I see. Is it a reference to the price of the  
12 load?  
13 A. I would assume.  
14 Q. Based on your understanding of what these pit  
15 tickets were used for? Is that what the basis of your  
16 assumption is?  
17 A. Yes.  
18 Q. Okay. And then there is the number 4020. Do  
19 you know what that means?  
20 A. No.  
21 Q. If you compare to LABP 20, which is the next  
22 page of this exhibit --  
23 A. What happened to 19?  
24 Q. I suspect I didn't make it part of this  
25 compilation because it wasn't a pit ticket.

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1 A. Okay.  
 2 Q. As you can see, this numbering or printing,  
 3 whatever you want to call it, is very similar. It shows a  
 4 date of January 17, the capital letter "E," the amount of  
 5 two dollars and then there is a code 925.  
 6 Does that mean anything to you?  
 7 A. Let's see. We have got maybe the number of  
 8 customers coming through. I don't know. We can just  
 9 guess.  
 10 Q. Okay.  
 11 A. Numerical sequence would be correct, though,  
 12 because it was January 17th on document 20, and if you  
 look  
 13 at document 18 this is on the 24th. It may be just the  
 14 rings in the cash register. I don't know.  
 15 Q. I don't want you to speculate. I thought if  
 16 you knew, you knew. Put that back in its place in a  
 17 moment.  
 18 So other than the pit tickets and the ledger  
 19 sheets, you know of no records of the materials received at  
 20 the Tuxford Landfill; is that correct?  
 21 A. That's correct.  
 22 Q. Okay.  
 23 MR. MONTES: Off record.  
 24 (Discussion held off the record.)  
 25 (Break taken.)

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1 (Plaintiff's Exh-MRM-19 marked for  
 2 identification.)  
 3 MS. RONGONE: We will go back on the record.  
 4 Q. Mr. McAllister, I have placed before you a  
 5 document which has been marked as MRM-19. Can you  
 identify  
 6 the document?  
 7 A. Yeah. It appears to be one of our ledger  
 8 cards.  
 9 Q. So in various times throughout the deposition  
 10 you have referred to ledger cards, this is the type of  
 11 document you have been referring to?  
 12 A. Yes, uh-huh.  
 13 Q. The reason that I actually pulled this  
 14 document out at this time is that two or three questions  
 15 back, I believe, I asked you if other than the pit tickets  
 16 there were any other records of types of waste received at  
 17 the Tuxford Landfill, and you said something like, Other  
 18 than the ledger sheets?  
 19 No? Is that a fair representation of your  
 20 testimony?  
 21 MR. MONTES: I will object. I believe that  
 22 misstates the testimony. He referred to the pit tickets  
 23 and the ledger cards.  
 24 MS. RONGONE: I don't think we are disagreeing with  
 25 one another. Maybe there is something about the way I am

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1 saying it but that's what I was trying to say.  
 2 MR. MONTES: The ticket.  
 3 MS. RONGONE: He referred to both, in other words,  
 4 and we just spent sometime looking at pit tickets so I  
 5 wanted to show him this and see if this is what he meant by  
 6 ledger card.  
 7 Where on the ledger card or at least on this  
 8 exemplar is there a reference to the type of waste  
 9 received?  
 10 A. There isn't.  
 11 Q. Was there sometimes a reference on the type of  
 12 waste received?  
 13 A. I must have been mistaken. There is number of  
 14 loads and sometimes that doesn't even appear on some  
 of the  
 15 later ones.  
 16 Q. All right. That was my impression from  
 17 reviewing these sheets as well. Let me ask you as long as  
 18 we are looking at this document, in the left-hand corner  
 19 where it says - well, it says a number of things but for  
 20 instance, the first three entries are 38 pounds Los Metro  
 21 Dumping, 29 pounds - or loads, excuse me, loads not  
 pound.  
 22 29 loads Gage Avenue, 63 loads Tujunga.  
 23 I actually realize that I am interpreting  
 24 there. What it actually says is "LDS." Does that mean  
 25 loads?

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1 A. Yes, it does.  
 2 Q. And is this a -  
 3 A. As far as I know, it does.  
 4 Q. That's your understanding of this document?  
 5 A. Yes, uh-huh.  
 6 Q. Does for instance one of those entries means  
 7 that 38 loads went to a place called Metro Dumping?  
 8 A. Yes. That was a landfill, solid inert  
 9 landfill.  
 10 Q. Was that a landfill operated by Los Angeles  
 11 By-Products?  
 12 A. Yes, uh-huh.  
 13 Q. And what about Gage Avenue? Was that also a  
 14 landfill operated by Los Angeles By-Products?  
 15 A. Yes.  
 16 Q. And then Tujunga, as it's referred to here,  
 17 would be - is that Tuxford pit or is that a different  
 18 landfill?  
 19 A. No, it's not Tuxford.  
 20 Q. Did Los Angeles By-Products also operate a  
 21 landfill called Tujunga?  
 22 A. Yes, uh-huh.  
 23 Q. Where was Metro Dumping located?  
 24 A. Metro Landfill? That was down in the city of  
 25 Vernon.

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1 Q. And Gage Avenue?  
2 A. I believe that's the city of Commerce.  
3 Q. And Tujunga?  
4 A. That's in the city of Los Angeles.  
5 Q. Where is it - can you say more specifically  
6 what the address is or where it is relative to Penrose  
7 Tuxford and Strathern, something to orient me?  
8 A. Well, Metro is in southern Los Angeles. Gage  
9 would be out in sort of the east, I guess you might say.  
10 Tujunga is in the community of Sun Valley.  
11 Q. Which is the same community that Penrose and  
12 Tuxford are in; is that correct?  
13 A. That's correct.  
14 Q. So is it in the same general vicinity?  
15 A. Yes.  
16 Q. Is it actually on Tujunga Avenue?  
17 A. Yeah.  
18 Q. And -  
19 A. It's - it's the Newberry, just it's the  
20 Newberry landfill that you refer to now. I don't know what  
21 the address is.  
22 Q. Tujunga is actually the Newberry landfill?  
23 A. Yes.  
24 Q. That answers my question.  
25 I don't have any other questions about MRM-19

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1 right now.  
2 A. That was in my deposition, I am sure.  
3 Q. Perhaps it was. I just didn't recall it.  
4 Now at the Tuxford Landfill what were the  
5 procedures for accepting waste?  
6 A. I wasn't there at the time. I can speak very  
7 generally though and tell you what the company's policy  
8 has been through the years.  
9 Q. Okay.  
10 A. Is that what you want me to do?  
11 Q. You can go ahead and do that. I understood  
12 you have said you weren't there, and I take that to mean  
13 that you don't know precisely how waste was accepted at the  
14 Tuxford Landfill; is that correct?  
15 A. That is correct.  
16 Q. What would you describe the company's policy  
17 throughout the years relative to that subject?  
18 A. The truck that has a load to be disposed of  
19 approaches the checkstand and, as he is approaching,  
20 the checker marks down license plate. As the truck pulls up  
21 to the window where the checker is located, he has  
22 strategically located mirrors to observe license plates,  
23 and one up above to observe down into the truck.  
24 Prior to the truck actually getting to the  
25 checkstand, they are required to take off any tarps,

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1 covering that they might have over their load. The truck  
2 comes to the checkstand. He is asked what type of refuse  
3 he has to dispose of and whether or not he has an open  
4 account, who he wants it charged to.  
5 After discussing what he has and the number of  
6 yards and the amount, and if the checker looking into his  
7 load via a mirror, or at times he actually has to get out  
8 and crawl up on the truck to look down in it, after he is  
9 satisfied that it's what they have agreed on then the truck  
10 proceeds onto the - where the working face is located, at  
11 which time he backs into where the spotter has indicated  
12 for him to tip his load.  
13 He proceeds to tip his load. The spotter or  
14 spotters, as the case may be, observes the tipping of the  
15 load. If it's found to be an acceptable type of refuse  
16 then the truck is basically released or it's said it's okay  
17 to go ahead. So he proceeds on out then.  
18 The dozer operator comes over and takes one  
19 pass through the refuse to spread it, and once again the  
20 dozer operator observes the type of refuse that has been  
21 tipped at this time. And many times the spotter, if he  
22 doesn't have other trucks that he is spotting and  
23 observing  
24 the tipping of those loads, he will also observe at that  
25 point in time.  
Then the dozer operator comes back and then he

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1 starts to work that refuse into the working face,  
2 compacting it and putting it into its final disposal area.  
3 Q. When did Los Angeles By-Products as a matter  
4 of overall policy start compacting its waste?  
5 A. To my knowledge, it's always compacted its  
6 waste.  
7 Q. Do you know that of your own knowledge or are  
8 you making an assumption?  
9 A. Well, just been a company policy as long as I  
10 can remember. So -  
11 Q. But you didn't start working for the company  
12 until sometime in the sixties; is that correct?  
13 A. That's right, but like I said it was the  
14 company policy to accept the trucks just like I went  
15 through. We have always compacted to it my knowledge.  
16 Q. So the procedure that you have just described  
17 is basically the same procedure you described at the  
18 Penrose Landfill?  
19 A. Yes.  
20 Q. Were there any differences between the  
21 waste - excuse me - the way the waste was deposited at  
22 the Tuxford Landfill and the way the waste was deposited at  
23 the Penrose Landfill?  
24 A. To my knowledge, it wasn't.  
25 Q. And your answer for both landfills then is

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1 based on your understanding of company policy; is that  
2 correct?  
3 A. Well, policy, that sounds too formal. It was  
4 just the way that the company operated, to the best of my  
5 knowledge.  
6 Q. Customer practice, if you refer. But again my  
7 question though is whether your description of the disposal  
8 practice at both landfills is based on your understanding  
9 of the company's custom and practice; is that correct?  
10 A. Yes.  
11 Q. And you did not personally observe the  
12 operation taking place at the Tuxford Landfill; is that  
13 correct?  
14 A. That is correct.  
15 Q. And you did not personally observe the  
16 operation taking place at the Penrose Landfill; is that  
17 correct?  
18 A. For the entire operation of its life from 1960  
19 to '85?  
20 Q. Yes.  
21 A. No, I wouldn't say that. I was out there very  
22 seldom but I was out there occasionally.  
23 Q. So occasionally you did observe the operation  
24 at the Penrose Landfill; is that correct?  
25 A. Yes, on an informal basis. I wasn't out there

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1 to scrutinize.  
2 Q. I don't want to make you go over ground you  
3 have gone over before. I believe I asked you on another  
4 day what would happen if somebody tipped something into  
5 the landfill that was inappropriate, and you described that  
6 they would be basically ordered off the property; is that  
7 correct?  
8 A. With the object or objects that they tried to  
9 illegally bring into our site, that is correct.  
10 Q. Was there ever an instance where somebody got  
11 past a spotter, no fault of the spotter or checker for that  
12 matter -  
13 A. I don't know.  
14 Q. - and tipped something?  
15 A. I don't know.  
16 Q. How would you retrieve something if that  
17 instance occurred? For instance, worse case scenario -  
18 and I am not saying it ever happened, but somebody gets by  
19 with a small container of some improper constituent and  
20 tips it into the landfill before the spotter can stop him.  
21 How do you retrieve that container?  
22 A. That's up to the truck driver. He spots it  
23 after it's been tipped and is sitting on the ground. He  
24 gets the driver and says, That's not allowed, you know,  
25 it's not allowed. You have read the signs up above, you

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1 know, what you are allowed to bring in. Take that away.  
2 Simple as that.  
3 Q. If it were a container of, say, liquid, and it  
4 broke or opened when it was tipped, would there be any way  
5 to actually retrieve the material?  
6 A. That presents more problems because then you  
7 have to barricade it off. We have to call the County  
8 Health Department or local enforcement agency, and  
9 there  
10 may be some others that would be involved in that, and  
11 then  
12 they would come out on the site and tell us exactly what  
13 has to be done.  
14 Q. Did that ever occur?  
15 A. Not to my knowledge.  
16 Q. Is what you described what the company policy  
17 or custom and practice, if you refer the term, was  
18 regarding improper disposal?  
19 A. Similar to except in - the truck loads? Is  
20 that what you mean? I don't -  
21 Q. Yes.  
22 A. I don't understand.  
23 Q. Let me ask it differently and maybe a little  
24 better. You just described a procedure that would be  
25 undertaken if, God forbid, somebody managed to tip  
something into the landfill and it couldn't be retrieved  
simply by retrieving the container.

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1 A. Uh-huh.  
2 Q. I was asking whether that procedure you  
3 described was part of the company custom and practice?  
4 A. Yes. It may be a little bit different at  
5 Tuxford prior to my knowledge of it with regards to whom  
6 you would notify. At that point in time it would have been  
7 Street Use. Don't know if they were required to notify the  
8 County Health or not at that time.  
9 Q. Was the company custom and practice for  
10 disposal and retrieval, if necessary, of improper wastes  
11 written down anywhere?  
12 A. I assume you are talking about Tuxford?  
13 Q. Actually, the question now is more general.  
14 At any time during the operation of the Tuxford or Penrose  
15 landfills.  
16 A. Yes.  
17 Q. Where was this policy written?  
18 A. It's part of the rules and regulations.  
19 Q. Were these rules and regulations that were  
20 posted for the workers?  
21 A. Posted? No.  
22 Q. Were they distributed to the workers?  
23 A. They are in possession at the landfill office,  
24 the ticket office.  
25 Q. So they are retained at the landfill ticket

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1 office?  
2 A. Well, at the sites. It may not be a ticket  
3 office. There may be an office there.  
4 Q. And these are work rules and regulations.  
5 Correct?  
6 A. No. These are -- some of them are in the  
7 minimum rules and regulations for operating sanitary  
8 landfills.  
9 Q. But, as I understand you, you are saying that  
10 this policy was also written up in the rules and  
11 regulations; is that correct?  
12 A. Oh, as a company policy? That's why I wanted  
13 to -- no. See policy means very formal.  
14 Q. Custom and practice?  
15 A. Custom and -- they were part of the minimum  
16 rules and regulations. They were included in that.  
17 Q. Okay. Let me make sure. I apologize if I  
18 haven't been clear. We spent the last few minutes, you and  
19 I, with you describing the Los Angeles By-Products' custom  
20 for accepting waste at the landfills and also the custom or  
21 practice for dealing with improper disposal should it ever  
22 occur?  
23 A. Uh-huh.  
24 Q. And I asked you if that series of procedures  
25 was written anywhere, or at least that's what I was trying

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1 to ask you. And I believe you answered that yes, that  
2 would be written in the rules and regulations. So I am  
3 trying to get a better idea what the rules and regulations  
4 look like, where they can be found, who authored them and  
5 so forth. Let me back up. Those rules and regulations  
6 that you referred to in your answer, who authored them?  
7 A. I don't know.  
8 Q. In general, were they authored by Los Angeles  
9 By-Products?  
10 A. I don't know who authored them at the  
11 beginning.  
12 Q. I am not necessarily asking for the name of an  
13 individual who may or may not be known to you, but whether  
14 it was Los Angeles By-Products that, shall we say, put  
15 these rules and regulations together to be placed in --  
16 A. Well, I don't know.  
17 Q. -- landfills areas?  
18 A. I don't know what came first, whether it was  
19 L.A. By-Products or if it was a regulatory agency.  
20 Q. I see. Well, how many pages would these rules  
21 and regulations be?  
22 A. I am going to guess maybe 16 pages of rules  
23 and regulations. I am just not sure.  
24 Q. Are rules and regulations of this type  
25 currently posted at the operating landfill sites?

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1 A. Posted, no.  
2 Q. Sorry, used the wrong term. Placed at the  
3 landfill offices, I think was the way you described it?  
4 A. Yes.  
5 Q. Now have these changed --  
6 A. Currently operating landfills.  
7 Q. That is what I asked you.  
8 A. Okay, that's fine.  
9 Q. And at the time that Penrose and Tuxford were  
10 operating landfills were the rules and regulations posted  
11 or retained at those operating landfill sites?  
12 A. Penrose was. Tuxford, I wasn't there to  
13 actually observe.  
14 Q. Did the rules and regulations retained at  
15 operating landfill sites change over the years?  
16 A. I would assume so.  
17 Q. Does Los Angeles By-Products have in its  
18 currently existing files and records copies of the current  
19 rules and regulations retained at the operating landfill  
20 sites?  
21 A. We should have.  
22 Q. Does Los Angeles By-Products have in its files  
23 and records copies of previous versions of rules and  
24 regulations as you have been describing?  
25 A. I don't know.

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1 Q. If those exist, I would request that they be  
2 produced to us.  
3 (Inaudible discussion between the witness and  
4 his counsel.)  
5 MS. RUSHTON: For clarification, you want current  
6 ones?  
7 MS. RONGONE: Yes. Thank you. You may not have  
8 heard that clarification. I am requesting the current  
9 rules as well as any previous versions.  
10 Q. Now these rules and regulations, I believe you  
11 suggested, contained or probably contained some regulatory  
12 requirements. Is that accurate?  
13 A. Well, I don't know what you are getting at  
14 but --  
15 Q. I am trying to get a sense of the substance of  
16 the rules and regulations since we don't have them here to  
17 look at.  
18 A. Well, you have some here. They were one of  
19 the exhibits that you handed to me back what, 1958?  
20 Q. Right. You are referring to the actual  
21 regulations of the Bureau of Street Maintenance that we  
22 looked at earlier; is that correct?  
23 A. That would be -- that's part of them, yeah.  
24 Q. That's what I am asking you. Did the rules  
25 and regulations retained at the operating landfill sites

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1 include the actual regulations of regulatory agencies?  
 2 A. In other words, this document that you gave to  
 3 me earlier?  
 4 Q. Or possibly excerpts from it. I don't know.  
 5 That's what I am asking you.  
 6 A. Those were at the landfill.  
 7 Q. Okay. But were in addition to the Bureau Of  
 8 Street Maintenance rules and regulations, Los Angeles  
 9 By-Products also had its own rules and regulations; is that  
 10 correct?  
 11 A. We would have certain procedures, I am sure,  
 12 over the years that the landfill manager would have  
 13 implemented - or management.  
 14 Q. And that would be written down in the rules  
 15 and regulations retained in the landfill offices?  
 16 A. No. Those were done by the city of Los  
 17 Angeles, the rules and regulations here.  
 18 Q. I know the ones here were done by the city of  
 19 Los Angeles. I am talking about the ones kept at the  
 20 landfill offices.  
 21 A. Those were kept at landfill offices.  
 22 Q. Okay. Were there also kept at the landfill  
 23 offices rules embodying company procedures that are not  
 24 contained in the Bureau of Street Maintenance's  
 25 regulations?

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1 A. I would have to say yes, probably were.  
 2 Q. Okay. That's what I was trying to get at.  
 3 A. Tuxford, I wasn't there so I don't know.  
 4 Q. Okay. Well, when they are produced, I will  
 5 perhaps be able to ask more profitable questions.  
 6 What places did the Tuxford Landfill accept  
 7 waste from?  
 8 A. What places? I have no idea. What do you  
 9 mean by "places"?  
 10 Q. Where did the waste that was brought to the  
 11 landfill come from, what types of accounts?  
 12 A. The types of accounts? You have a complete  
 13 set of ledger cards available to you. They would be  
 14 indicated there.  
 15 Q. What do you know of your own knowledge?  
 16 A. Now we are talking Tuxford?  
 17 Q. Yes.  
 18 A. As I understand it, Tuxford received a lot  
 19 of - a lot of ash, a lot of brush,. I shouldn't say a  
 20 lot. That's just - we received ash, brush, demolition  
 21 materials, and other solid inert type of wastes.  
 22 Q. So the ash components of the waste received  
 23 ash from something having been burned. Is that what you  
 24 are saying?  
 25 A. Yes. In California we used to burn our refuse

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1 in backyard incinerators.  
 2 Q. So you received incinerator ash or Tuxford did?  
 3 A. Yes.  
 4 Q. Did Tuxford receive any other kind of ash?  
 5 A. Well, assume from fireplaces.  
 6 Q. So backyard incinerators and fireplaces. Any  
 7 other sources of the ash?  
 8 A. Not to my knowledge.  
 9 Q. What were the sources - I think we talked  
 10 about brush before. What were the sources of the  
 11 demolition materials?  
 12 A. I don't know.  
 13 Q. Could they have come from commercial sites?  
 14 A. Didn't we go over this just a couple days?  
 15 Q. For Penrose.  
 16 A. Oh, okay. I would have to assume it would be  
 17 very similar to Penrose.  
 18 Q. And what about the other solid inert wastes?  
 19 Where did they come from?  
 20 A. I don't know.  
 21 Q. And can you say what types of other solid  
 22 inert wastes?  
 23 A. I can guess.  
 24 Q. I don't want you to guess.  
 25 A. No. Then I can't say.

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1 Q. You don't know?  
 2 A. No, I wasn't there.  
 3 Q. Did the Tuxford Landfill receive any wastes  
 4 from businesses?  
 5 A. That's pretty general. So yeah, it was  
 6 businesses that brought it in.  
 7 Q. I meant that were picked up from businesses as  
 8 opposed to -  
 9 A. I don't know.  
 10 Q. So wastes could have been brought in there  
 11 from local businesses and you would not know one way or  
 12 the other?  
 13 A. I wouldn't know. I wasn't out there.  
 14 Q. Other than the Bureau of Street Maintenance,  
 15 was the Tuxford Landfill regulated by any other regulatory  
 16 agency?  
 17 A. I am sure it was and I don't know who they  
 18 were.  
 19 Q. Do you know if the Tuxford Landfill site was  
 20 ever inspected by any regulatory agencies?  
 21 A. Yes.  
 22 Q. And were they?  
 23 A. According to the rules and regulations, they  
 24 were. The permit, doesn't it indicate Street Use  
 25 Maintenance inspections? I thought I read something  
 today

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1 that said something about that.  
2 Q. You are perfectly welcome to refer to it. You  
3 are referring to MRM-17, the Minimum Regulations for Dumps  
4 in the city of Los Angeles as Amended March 12, 1958. Is  
5 that the document you were –  
6 A. I don't when – what document it was. I  
7 thought I saw some document in here that said that they  
8 were subject to inspections.  
9 Q. Once again in the interest of time, I believe  
10 I have seen the same document.  
11 A. Okay.  
12 Q. My question is whether they were in fact  
13 inspected rather than whether they were subject to  
14 inspection?  
15 A. I would certainly assume that they were  
16 inspected. I was not out there so I don't know. I never  
17 saw.  
18 Q. Do you know of any notices of violation or  
19 citations that Los Angeles By-Products received related to  
20 the Tuxford Landfill?  
21 A. No.  
22 Q. Who are the checkers employed at the Tuxford  
23 Landfill?  
24 A. Who are they?  
25 Q. Who were they?

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1 A. You want the names?  
2 Q. If you know them.  
3 A. I don't know them.  
4 Q. Who were the spotters employed at the Tuxford  
5 Landfill?  
6 A. I don't know.  
7 Q. And who were the dozer drivers at the Tuxford  
8 Landfill?  
9 A. I don't know.  
10 Q. Were there trucks used at the Tuxford  
11 Landfill?  
12 A. To bring refuse in, yes.  
13 Q. Were trucks operated by Los Angeles  
14 By-Products used at the Tuxford Landfill for any purpose?  
15 A. I don't know.  
16 Q. For instance, for Penrose you described Los  
17 Angeles By-Products trucks bringing dirt in?  
18 A. Yes, that's right.  
19 Q. Do you have any knowledge as to whether the  
20 same procedure was used at the Tuxford Landfill?  
21 A. No.  
22 Q. What were the hours of operation at the  
23 Tuxford Landfill?  
24 A. I don't know offhand. It would be in the  
25 permits that we were longing at earlier probably.

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1 MR. MONTES: I don't recall the hours of operation  
2 being specified in the permits.  
3 MS. RONGONE: Neither do I. I thought we would go  
4 back and look at permit documents.  
5 THE WITNESS: I thought it said number of days and  
6 hours of operation.  
7 (Inaudible discussion between the witness and  
8 his counsel.)  
9 MR. MONTES: I believe it just simply required them  
10 to post the hours of operation.  
11 BY MS. RONGONE: Q. Let me show you MRM-15, a  
12 document we looked at and discussed earlier. Is that the  
13 document you were thinking about?  
14 A. Yep. Yes, it is.  
15 Q. And as Mr. Montes just said, does it – it  
16 doesn't really tell you what hours the landfill operated.  
17 It just tells you that it had to post its hours of  
18 operation; is that correct?  
19 A. Yes, that's what it says. For 1955 anyway,  
20 that's what it says.  
21 Q. Other than the information provided to you by  
22 that document, you do not know anything else about the  
23 hours of operation at the Tuxford Landfill; is that  
24 correct?  
25 A. That's correct.

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1 Q. I was just looking at Exhibit 3 which I  
2 thought might possibly have some information, but it does  
3 not appear to.  
4 Do you know how many deliveries per hour of  
5 waste were brought into the Tuxford site?  
6 A. No.  
7 Q. Do you have any knowledge about the number of  
8 loads deposited at the Tuxford site?  
9 A. Yes, it would be in the ledger cards.  
10 Q. Did Los Angeles By-Products use any material  
11 which contained PCE or TCE at the Tuxford Landfill at any  
12 time?  
13 A. Not to my knowledge.  
14 Q. But you don't really know of your own  
15 knowledge; is that correct?  
16 A. What do you mean I don't know of my own  
17 knowledge?  
18 Q. As you have said so many times today, you  
19 weren't out there.  
20 A. I was not out there, no.  
21 Q. That's what I mean by you don't really know of  
22 your own knowledge. So with that explanation –  
23 A. Okay.  
24 Q. – is that correct?  
25 A. Yes, uh-huh.

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1 Q. Do you know if any equipment maintenance was  
2 performed at the Tuxford site?  
3 A. I don't know.  
4 Q. Was there a clarifier on site at the Tuxford  
5 Landfill?  
6 A. Not to my knowledge.  
7 MR. MONTES: Objection. Vague as to time.  
8 MS. RONGONE: Well, he has answered it.  
9 Q. Was your answer limited or intended to be  
10 limited to any particular time period, or is it just that  
11 you don't know, period?  
12 A. I don't know.  
13 Q. Okay. I believe you already testified that  
14 you don't know if there is a gas collection system at the  
15 Tuxford Landfill. Did I get that right?  
16 A. That's correct.  
17 Q. Has Los Angeles By-Products ever conducted any  
18 sampling, testing or analyses of groundwater or landfill  
19 gas at the Tuxford site?  
20 A. Yes.  
21 Q. When has it done so?  
22 A. I don't know what year it was.  
23 Q. What's your best recollection?  
24 A. About the same time we did the other SWATs,  
25 maybe a little bit later.

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1 Q. Late eighties, early nineties?  
2 A. I don't know.  
3 Q. Well, we will look at SWATs later.  
4 A. Yes, yeah.  
5 Q. So is it then your answer that Los Angeles  
6 By-Products conducted sampling and analyses in order to  
7 use  
8 that information to prepare SWATs for the Tuxford Landfill?  
9 A. For the water, yes.  
10 Q. What do you mean by "for the water, yes"?  
11 A. Well, you asked me about gas and you asked me  
12 about water so I am being specific. I am telling you it  
13 was for the water.  
14 Q. So you are saying Los Angeles By-Products did  
15 groundwater analyses but not landfill gas analyses?  
16 A. I don't remember doing any gas analysis.  
17 Q. Other than the sampling for the purpose of  
18 preparing a SWAT or more than one SWATs for the Tuxford  
19 Landfill, has Los Angeles By-Products conducted any other  
20 sampling or analyses of groundwater or landfill gas at the  
21 Tuxford Landfill?  
22 A. Not to my knowledge.  
23 Q. And to whom were the SWATs submitted? Were  
24 they submitted to the Regional Water Quality Control Board?  
25 A. I would assume so.  
Q. You don't know?

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1 A. It's in the cover sheet of the SWAT. Whoever  
2 that was delivered to, that's who got it.  
3 Q. Okay. Have this mark next in order.  
4 (Plaintiffs' Exh-MRM-20 marked for  
5 identification.)  
6 BY MS. RONGONE: Q. Do you want to take a moment to  
7 review MRM Exhibit 20?  
8 A. Well, why don't you ask questions and maybe I  
9 can find them in here.  
10 Q. Have you seen this document before?  
11 A. No.  
12 Q. As you can see, it's titled "Minutes of  
13 February 10 Meeting between RWQCB Los Angeles  
14 By-Products  
15 related to the Tuxford Landfill."  
16 A. Yes.  
17 Q. And that particular databasing is four pages  
18 long. On the last page it's April 4th, 1995, and signed by  
19 a Paul Cho. See that?  
20 A. The last page?  
21 Q. Right there.  
22 A. Okay. Yes.  
23 Q. And then the fifth page of the document, which  
24 is Bate numbered LABP 172 is an enclosure letter. Have you  
25 seen this document before?  
A. Well, I have been copied so I probably have.

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1 I don't recall it though.  
2 Q. Do you recognize Mr. Montes' signature?  
3 A. No. It's kind of scribbled. Yes.  
4 Q. And you see under the date which is April 10,  
5 1995, there is what appears to be a copy of a date receipt  
6 stamp received April 19, 1995 L.A. By-Products company?  
7 A. Yes, that's correct.  
8 Q. Does that indicate to you that the document  
9 was received by L.A. By-Products on the date shown?  
10 A. Yes, uh-huh.  
11 Q. And, as you can see, the document purports to  
12 enclose copies of the minutes which constitute the first  
13 four pages of MRM-20?  
14 A. Uh-huh.  
15 Q. Does that refresh your recollection as to  
16 whether you have ever seen the minutes before?  
17 A. No, it doesn't.  
18 Q. You don't read correspondence from your  
19 attorney? Just kidding. You don't have to answer that.  
20 In any event, you do not dispute that you received this  
21 document and the accompanying letter?  
22 A. No, not -  
23 Q. The last page of the document, could you  
24 describe that for the record?  
25 A. This is a letter from Greenwald, Hoffman and

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1 Meyer, dated March 15th, 1995, to Mr. Paul Cho  
 2 regarding  
 3 Los Angeles By-Products Tuxford Landfill.  
 4 Q. And specifically regarding a closing revised  
 5 minutes of the Los Angeles By-Products company with Mr.  
 6 Cho  
 7 and Rod Nelson on February 10, 1995; is that correct?  
 8 A. **Appears to be, yes, uh-huh.**  
 9 Q. And again you are shown as a cc?  
 10 A. **That's correct.**  
 11 Q. Did you receive this document?  
 12 A. **Must have.**  
 13 Q. But you don't recall it?  
 14 A. **I don't recall it.**  
 15 Q. You also don't deny it?  
 16 A. **I do not deny it.**  
 17 Q. Okay. If you want to go back to the first  
 18 page of this document, in the third paragraph of the first  
 19 page of the minutes, it states the names of the persons in  
 20 attendance at the February 10 meeting for which these  
 21 minutes were prepared, and you are listed.  
 22 Do you recall being present at this meeting?  
 23 A. **Yes, uh-huh.**  
 24 Q. And do you agree that those are the persons  
 25 who were present?  
 A. **No. They are missing a person.**  
 Q. **Who's missing?**

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1 A. **Rod Nelson. Oh, there he is right there. I'm**  
 2 **sorry, no. Everybody is there. I didn't see him. He was**  
 3 **up on top.**  
 4 Q. Is this the only meeting with the Regional  
 5 Board that you have attended?  
 6 A. **Ever? No.**  
 7 Q. Let me be more specific. Is this the only  
 8 meeting with the Regional Board that you attended related  
 9 specifically to the Tuxford Landfill?  
 10 A. **I believe so.**  
 11 Q. Do you know if other meetings have been held  
 12 with the Regional Board at which perhaps other  
 13 representatives of Los Angeles By-Products were present  
 14 regarding the Tuxford Landfill?  
 15 A. **Representatives of Los Angeles By-Products**  
 16 **being example of who?**  
 17 Q. Could be you, could be your attorneys, could  
 18 be combination of both.  
 19 A. **Probably, yes. I am not for sure.**  
 20 Q. But this is the only one you attended?  
 21 A. **Regarding Tuxford?**  
 22 Q. **Regarding Tuxford.**  
 23 A. **Yes, that I can think of right now.**  
 24 Q. Let me refer you to page two of the document.  
 25 Starting at about the middle of the page, there's sort of

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1 bullet points of numbered points at the bottom of the page  
 2 and it starts with the reference, "Mr. Paul Cho made the  
 3 following points to the representatives of Los Angeles  
 4 By-Products. One, the SWAT phase of the landfill  
 5 investigation is completed. The Tuxford Landfill is now  
 6 under an investigational monitoring program" and goes on  
 7 from there.  
 8 Does that refresh your recollection as to  
 9 whether or not Los Angeles By-Products has conducted any  
 10 sampling or analyses at the site other than for the  
 11 purposes of the SWATs?  
 12 A. **Well, when was the SWAT? Can I write on**  
 13 **this? Never mind. I will just keep my finger on this.**  
 14 Q. Actually, I don't mind if you write on it.  
 15 (Inaudible discussion between the witness and  
 16 his counsel.)  
 17 MS. RONGONE: If you need to know the dates of the  
 18 SWATs, we have them present and I can certainly show them  
 19 to you or represent what those dates were, if that's  
 20 helpful to you in answering the question.  
 21 THE WITNESS: I guess what I have to say, I just  
 22 don't remember this - during 1993 four quarters.  
 23 BY MS. RONGONE: Q. You are referring to the first  
 24 full paragraph on page 2?  
 25 A. **Yeah. I don't recall giving orders or asking**

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1 **people to do that.**  
 2 Q. So you are not personally familiar with the  
 3 sampling described in the first full paragraph of page 2 of  
 4 the March 30, 1995 letter - I mean excuse me - March 30,  
 5 1995 minutes?  
 6 A. **No. No, I don't remember that at all.**  
 7 Q. Do you have any reason to disagree with the  
 8 results described in that paragraph?  
 9 A. **Well, experts did that. I can't argue against**  
 10 **experts.**  
 11 Q. So you have no reason to disagree with what's  
 12 stated there?  
 13 A. **Nor to agree.**  
 14 Q. My actual question to you, though, was I think  
 15 a different one. My question was whether the information  
 16 in bullet one, specifically that the SWAT phase of the  
 17 landfill investigation is completed and the landfill is now  
 18 under an investigational monitoring program, refreshes your  
 19 recollection as to whether Los Angeles By-Products has  
 20 conducted any sampling or analyses of the Tuxford site  
 21 other than in connection with the SWATs?  
 22 A. **Well, the only other monitoring would have**  
 23 **been in this 1993, which I just don't recall. Otherwise,**  
 24 **no.**  
 25 Q. Do you know if the investigational program

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1 described in that item one on page 2 of the March 30, 1995  
 2 minutes is still ongoing?  
 3 A. I don't have knowledge of that.  
 4 Q. Is there someone –  
 5 (Inaudible discussion between the witness and  
 6 his counsel.)  
 7 Q. Is there someone else at Los Angeles  
 8 By-Products who's in charge of dealing with ongoing  
 9 investigations at Tuxford?  
 10 A. No.  
 11 Q. Are you in charge of that?  
 12 A. I guess it would fall onto me, yeah.  
 13 Q. Okay. In item three at the bottom of page 2  
 14 of the minutes, there is a reference to samplings from the  
 15 wells requiring EPA testing by Method 8260 and not the 8240  
 16 method used by Law/Crandall.  
 17 Do you know anything about that particular  
 18 issue?  
 19 A. No.  
 20 Q. You don't recall it being brought up at the  
 21 meeting you attended?  
 22 A. I remember them discussing it but it didn't  
 23 mean a thing to me.  
 24 Q. If you would refer to page 3 of the minutes  
 25 which bear the Bate number 170, if you look at item five,

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1 it states, and I am paraphrasing, that the Regional Board  
 2 is going to decide based on its review of the 1993 data –  
 3 that's all actually referenced in bullet 4 – whether Los  
 4 Angeles By-Products can be placed in an ongoing monitoring  
 5 program, and it goes on from there.  
 6 Do you know whether Los Angeles By-Products  
 7 has been placed in an ongoing monitoring program for the  
 8 Tuxford Landfill?  
 9 A. No.  
 10 Q. Do you know whether Mr. Cho has completed his  
 11 review of the 1993 monitoring?  
 12 A. No.  
 13 Q. Have any meetings been held with the Regional  
 14 Water Quality Control Board/Los Angeles By-Products since  
 15 this March 30, 1995 meeting of which these minutes and  
 16 various correspondence refer?  
 17 A. Yes, I think we have had a couple.  
 18 Q. At which you have attended?  
 19 A. Uh-huh.  
 20 Q. Are they also related to the Tuxford Landfill?  
 21 A. No.  
 22 Q. What were they related to?  
 23 A. Closure at Penrose, that type of meeting.  
 24 Q. I don't have any additional questions about  
 25 MRM-20 right now.

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1 How many meetings have you attended with the  
 2 Regional Board regarding closure of Penrose?  
 3 A. I don't recall. I believe it's been two.  
 4 Q. Within the last year?  
 5 A. Uh-huh.  
 6 Q. That's a "yes"?  
 7 A. Yes.  
 8 Q. I'm sorry, I know one gets tired.  
 9 And let's take the first of those meetings.  
 10 How long ago was that?  
 11 A. It was about the first or second day that we  
 12 started actual moving of – no, I have to take that back.  
 13 It was probably a week or two into the laying down of the  
 14 claymax.  
 15 Q. And that was last fall, correct?  
 16 A. I believe it was, yeah.  
 17 Q. Who else was present at that meeting?  
 18 A. Oh my, the people that I can think of, Tonya  
 19 Weaver, Eugene – let's see what's his last name? Maybe I  
 20 can think of Eugene's last name later. Don Peterson was  
 21 the regional. Peter Jeneky (phonetic), John Sepich, Ed  
 22 Collins. I was there. I don't remember who else was  
 23 there.  
 24 Q. Were minutes prepared of this meeting?  
 25 A. I don't remember.

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1 Q. Did you take notes at this meeting?  
 2 A. No.  
 3 Q. And what took place at this meeting?  
 4 A. Basically inspection of the way that we were  
 5 closing.  
 6 Q. So this was a meeting actually at the Penrose  
 7 site?  
 8 A. Yes, uh-huh.  
 9 Q. And who is Tonya Weaver?  
 10 A. Tsung, T-s-u-n-g, Eugene.  
 11 Q. Who is Tonya? Where does she work?  
 12 A. She is our inspector, local enforcement agency.  
 13 Q. And who is Eugene Tsung?  
 14 A. Consulting engineer.  
 15 Q. With what company?  
 16 A. I don't know the name of his company.  
 17 Q. Is he –  
 18 A. He is retained by the city of Los Angeles, the  
 19 local enforcement agency.  
 20 Q. And who is Don Peterson?  
 21 A. He works under Rod Nelson, Regional Water. I  
 22 don't know what his title is.  
 23 Q. Peter Jeneky?  
 24 A. He is with California Integrated Waste  
 25 Management Board.

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1 Q. And you mentioned John Sepich the other day  
2 but is it the same John Sepich?  
3 A. That's correct, uh-huh.  
4 Q. And who is Ed Collins?  
5 A. He worked for John Sepich.  
6 Q. And what was the upshot of the meeting? Do  
7 you know what I mean by that?  
8 A. Nope.  
9 Q. In general, what were the results of the  
10 inspection?  
11 A. The results? That we were doing it right.  
12 They were very happy.  
13 Q. Okay. Now when was the next meeting that you  
14 attended with the Regional Board regarding the Penrose  
15 Landfill?  
16 A. I don't think I was there personally.  
17 Q. Do you know approximately when it occurred?  
18 A. Very close to final date, I believe. I am  
19 really not clear on this, but I believe that Don Peterson  
20 came out and made an inspection. I am really guessing at  
21 that because I just remember somebody saying  
22 something that  
23 Don Peterson was going to come out, and I said, "Good.  
24 If  
25 he needs a ride, give him a ride around," and that's really  
26 whatever all I remember.  
27 Q. Sometime in the last year?

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1 A. Yes. He makes inspections anyway once a  
2 year.  
3 Q. So this was not a meeting in the sense of  
4 people all going into a room and sitting down and meeting?  
5 A. No, huh-uh.  
6 Q. Did you receive any information from Mr.  
7 Nelson or from - excuse me - from Mr. Peterson or from  
8 his office regarding the results of this last inspection?  
9 A. I don't remember receiving any.  
10 Q. Do you know what the results were of that  
11 inspection?  
12 A. I believe they were very happy with it.  
13 Q. What's your basis for that belief?  
14 A. They would send us letters requesting us to do  
15 additional work if they were unhappy.  
16 Q. But have they given you any kind of a letter  
17 signing off and saying you have done all you need?  
18 A. No, not to my knowledge.  
19 Q. Do you expect them to inspect again?  
20 A. At what site?  
21 Q. Penrose.  
22 A. They always have. They can. I don't know.  
23 That's up to them.  
24 Q. Okay.  
25 A. I don't know.

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1 Q. Now the Tuxford Landfill, I think you said you  
2 have not attended any meetings after the February 10th,  
3 1995?  
4 A. Whatever this last one was. Was that that  
5 date?  
6 Q. Yes.  
7 A. Yes, that's correct.  
8 Q. Have there been any such meetings even though  
9 you might not have been in attendance?  
10 A. I don't know.  
11 Q. Okay. Has the Regional Board inspected the  
12 Tuxford Landfill in the last year or so?  
13 A. I don't know.  
14 Q. Do you know what the status of closure is at  
15 the Tuxford Landfill?  
16 A. Status of closure?  
17 Q. Yes.  
18 A. Closure should have been done back in 1960.  
19 MS. RONGONE: Can we take a 10-minute break? Been  
20 going for a little more than an hour.  
21 MR. MONTES: Sure.  
22 MS. RONGONE: Okay.  
23 (Break taken.)  
24 MS. RONGONE: Back on the record.  
25 Before we go on with deposition testimony, I

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1 wanted to ask did Los Angeles By-Products bring with it any  
2 documents today?  
3 MR. MONTES: No.  
4 MS. RONGONE: Did it bring with it any of the  
5 addresses that we have requested?  
6 MR. MONTES: No.  
7 MS. RONGONE: And are we to expect the documents  
8 and  
9 the addresses in the near future, or is there a problem?  
10 MR. MONTES: I will review the document request and  
11 again try to do another investigation, see if there is any  
12 documents which comply with your requests.  
13 MS. RONGONE: Well, we have identified a number of  
14 documents throughout the deposition. I wrote you a letter  
15 about the ones that were identified the first day on Friday  
16 and which I faxed to you, and then there have been a number  
17 of additional ones identified yesterday and today.  
18 MR. MONTES: I haven't seen the documents and I  
19 haven't reviewed the request so I couldn't respond to the  
20 it right now.  
21 MS. RONGONE: You are not saying one way or the  
22 other whether you intend to produce additional documents?  
23 MR. MONTES: Of course I will comply with whatever  
24 requests are appropriate, yes. I just don't know at this  
25 point because, as you know, we haven't had much time to do  
26 anything in our offices.

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1 MS. RONGONE: I understand.  
2 MR. MONTES: We haven't done any further  
3 investigations at the offices of Los Angeles By-Products to  
4 determine whether or not those records existed or do exist  
5 so I haven't seen them. I don't know what they are and we  
6 will look for them.  
7 MS. RONGONE: Okay. I would like to - I appreciate  
8 that you have been tied up here at least Thursday and  
9 today, and that perhaps there were other things that you  
10 needed to do on Friday, but I would like to get some kind  
11 of a time frame so that we can schedule the continuation of  
12 this deposition and, if possible, coordinate that with  
13 other deposition notices that the United States will be  
14 serving, as well as with the overall deposition schedule so  
15 that as much as possible we can avoid double setting or  
16 otherwise inconvenient deposition setting for everyone.  
17 MR. MONTES: We should be able to do some type of  
18 review by the end of the week.  
19 MS. RONGONE: Okay, that would be wonderful. Let me  
20 ask you, too, first of all we talked about the deposition  
21 of Claire Tromblador (phonetic). I have not personally  
22 spoke with her but I had a message from David Glazer that  
23 he received a message from her confirming that as it  
24 regards San Fernando, she never worked on the Burbank or  
25 North Hollywood operable. Her only assignment was to the

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1 Glendale operable units, and she has not worked on those  
2 for the past two years.  
3 So based on that representation, which if you  
4 wish I will confirm personally with her, it's my  
5 understanding you do not intend to proceed with her  
6 deposition on the 8th?  
7 MR. MONTES: Yes, I would agree with that  
8 assessment. If you are going to confirm that with her  
9 personally and confirm it in writing, make a representation  
10 to that effect, we will accept your representation.  
11 MS. RONGONE: We can assume that next Wednesday,  
12 the 8th, there will be no deposition. Perhaps we can go off  
13 record for a minute.  
14 (Discussion held off the record.)  
15 MS. RONGONE: Back on.  
16 Q. Do you know whether California Car Hikers ever  
17 conducted any sampling or testing of the groundwater or  
18 landfill gas at the Tuxford Landfill?  
19 A. No.  
20 Q. Los Angeles By-Products had prepared at its  
21 request the SWATs for the Tuxford Landfill; is that  
22 correct?  
23 A. The water SWATs, yes.  
24 Q. Were there other SWATs prepared that you know  
25 of?

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1 A. Not to my knowledge.  
2 Q. Why did Los Angeles By-Products have the  
3 Tuxford SWATs prepared at its request?  
4 A. That's apparently what the rules and  
5 regulations call for. We were the responsible party for  
6 the SWATs.  
7 Q. According to whom?  
8 A. Our attorneys.  
9 Q. Did Los Angeles By-Products initially take the  
10 position that California Car Hikers should perform the  
11 SWATs at the Tuxford Landfill?  
12 A. I don't know if it was California Car  
13 Hikers, but whoever owned Tuxford, yes, that was our  
14 original position.  
15 Q. And what position did the entity that owned  
16 Tuxford at the time take?  
17 A. They said it was our responsibility.  
18 Q. Did Los Angeles By-Products consult with  
19 regulatory agencies to resolve the matter?  
20 A. I don't know.  
21 Q. Mark next in order.  
22 (Plaintiffs' Exh-MRM-21 marked for  
23 identification.)  
24 BY MS. RONGONE: Q. Just for your information, what  
25 you have had placed before you is a group of documents that

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1 I compiled together because they all address this general  
2 subject matter.  
3 If you just take a moment to look through the  
4 exhibit, I have just a few questions for you.  
5 A. Is Sam Aadlen Brothers the same as Car Hikers?  
6 Q. Well, I don't really know. It's my  
7 understanding that Sam Aadlen is a principal of California  
8 Car Hikers. Whether he has more than one business entity,  
9 I don't really know.  
10 A. It's Sam Aadlen is the name I have always gone  
11 by Tuxford. I am still not - my ear is a still not good  
12 with the Car Hikers. I don't know who Car Hikers is.  
13 Q. I understand. You can go by Sam Aadlen.  
14 That's all right with me.  
15 A. Okay.  
16 Q. Just so we are clear, when you refer to Sam  
17 Aadlen, you are referring to the party or entity that owns  
18 the Tuxford Landfill currently?  
19 A. I don't know who - Sam Aadlen is the one that  
20 we did. I don't know who owns it now.  
21 Q. You are talking about the person you dealt  
22 with at the time the SWATs were prepared?  
23 A. Yeah. It was always Sam Aadlen, Sam Aadlen  
24 Brothers although it says here Sam Aadlen and Brothers.  
25 I don't know where this California Car Hikers started.

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1 Q. Nor do I.  
2 A. **What did you want me to do? Review this?**  
3 Q. Just take a quick review of the document, if  
4 you would.  
5 A. **Rather than --**  
6 Q. Have you had a chance to review the document?  
7 A. **I am continuing to do so but go ahead.**  
8 Q. Okay. Well, we will start with the first page  
9 of the document which is Bates numbered 195. Have you  
10 seen  
11 this document before?  
12 A. **Yes, I would assume so, yes.**  
13 Q. And can you identify it, please?  
14 A. **Solid Waste Assessment Test for water, Tuxford**  
15 **Landfill, dated December 4, 1988. I guess it was delivered**  
16 **to Sam Aadlen.**  
17 Q. The document you have in front of you number  
18 195 is not a copy of the SWAT, correct? It's a copy of a  
19 receipt for the SWAT?  
20 A. **This -- the first page is yes, that's a**  
21 **receipt.**  
22 Q. That's what I was getting at.  
23 A. **Yep.**  
24 Q. And if you would have a look at the second  
25 document in the exhibit which is Bates numbered 196.  
A. **Uh-huh.**

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1 Q. Have you seen this document before?  
2 A. **Yes, I have seen it.**  
3 Q. And it's part of Los Angeles By-Products'  
4 records?  
5 A. **I would assume so, yes.**  
6 Q. Okay. In the body of the document, the author  
7 Mr. Meyer talks about the importance of adherence to the  
8 deadlines for submitting the SWAT.  
9 Do you recall any discussion with Mr. Aadlen,  
10 if that's how you think of it, regarding the timeliness of  
11 submitting the SWAT for the Tuxford Landfill?  
12 A. **I remember there was some concern that is just**  
13 **general, uh-huh.**  
14 Q. That's all you remember about it?  
15 A. **Yes, uh-huh.**  
16 Q. If you could refer to the third document in  
17 the exhibit, which is two pages, Bates numbered 197 to  
18 198. First of all, can you identify this document?  
19 A. **The 197?**  
20 Q. **Yes.**  
21 A. **It's addressed to me dated January 12, 1987,**  
22 **from Mr. Golden regarding Tuxford Landfill SWAT report,**  
23 **and**  
24 **my letter says, "Your letter of January 11th, 1988."**  
25 Q. That's in the re line, correct?  
A. **That is correct.**

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1 Q. Okay. And have you seen this document before?  
2 A. **I would assume. It's to me so yes.**  
3 Q. Do you remember it?  
4 A. **No.**  
5 Q. Okay. Do you remember any conversations or  
6 discussions with Mr. Golden regarding a performance of the  
7 SWAT at the Tuxford Landfill?  
8 A. **I remember he was very anxious to get it done**  
9 **and I referred it over to our attorneys.**  
10 Q. At the top of the second page of the document  
11 which is --  
12 A. **Excuse me. Let me just read this letter for a**  
13 **second. This is -- well, apparently this letter is going**  
14 **back here asking about Howard Pump. So at that time we**  
15 **had**  
16 **apparently signed a contract with Howard Pump to go in**  
17 **and**  
18 **do the drilling. That's what this letter is about.**  
19 Q. Okay. Look at the top of page 2 of the  
20 letter.  
21 A. **Uh-huh.**  
22 Q. There is a paragraph at the very beginning of  
23 the page which Mr. Golden has underlined most of it. In  
24 the underlined portion he states, and I am paraphrasing,  
25 that Mr. Aadlen has no legal responsibility for the cost of  
drilling the wells or other expenses incurred in relation  
to the Tuxford SWAT. It's paraphrased, not a direct

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1 quote.  
2 Did Los Angeles By-Products in fact pay for  
3 all of the SWAT work at the Tuxford Landfill?  
4 A. **For the SWAT, yes, uh-huh.**  
5 Q. Okay. And if you go to the next page of the  
6 document, actually a three-page document Bate numbered  
7 199  
8 to 201, can you identify this document?  
9 A. **Yeah. This is just an amount of money it's**  
10 **going to cost to put in the water wells.**  
11 Q. The first page is a letter from you to Allen  
12 Golden correct?  
13 A. **Yes.**  
14 Q. Dated January 11, '88?  
15 A. **Uh-huh.**  
16 Q. And it encloses the drilling proposal for  
17 water wells at the Tuxford site, correct?  
18 A. **Yes.**  
19 Q. And then the second page, which is Bate  
20 numbered 200, is the dulling contract with Howard Pump; is  
21 that correct?  
22 A. **It appears to be, yes.**  
23 Q. And then the third page is additional contract  
24 terms and conditions to the contract with Howard Pump,  
25 correct?  
A. **It appears to be, yes.**

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1 Q. Okay. You want to go to the next page of the  
 2 document which is Bate numbered 202. Have you seen this  
 3 document before?  
 4 A. Yes.  
 5 Q. And what is it?  
 6 A. It's a letter from California Regional Water  
 7 Quality Control Board requesting some more items to be  
 8 included in the SWAT proposal.  
 9 Q. But you have seen it before even though it's  
 10 not addressed to you. Correct?  
 11 A. Yes, uh-huh.  
 12 Q. For the record, it's a letter of October 27,  
 13 1987, addressed to Greenwald, Hoffman and Meyer from  
 14 Robert  
 15 P. Ghirelli at the California Regional Water Quality  
 16 Control Board; is that correct?  
 17 A. Yes.  
 18 Q. You want to go to the next page. For the  
 19 record, this is a one-page document dated September 14,  
 20 1987, addressed to Lawrence F. Meyer from Allen Golden; is  
 21 that correct?  
 22 A. Yes.  
 23 Q. Have you seen this document before?  
 24 A. Yes.  
 25 Q. And it's part of Los Angeles By-Products files  
 and records on the Tuxford site?

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1 A. Yes.  
 2 Q. I don't really have a lot of questions about  
 3 it right now.  
 4 If you want to go to the next page, the next  
 5 two pages 204 and 205. Have you seen this document  
 6 before?  
 7 A. I don't recall seeing this one.  
 8 Q. For the record, it appears to be a letter of  
 9 September 10, 1987, to Robert Ghirelli from Allen Golden.  
 10 Correct? That's what you are seeing in front of you in  
 11 other words?  
 12 A. Yeah, I'm sorry.  
 13 Q. Just for the record, it appears to be a letter  
 14 of September 10, 1987, to Robert Ghirelli from Allen  
 15 Golden, correct?  
 16 A. Yes.  
 17 Q. But you don't recall ever seeing it before?  
 18 A. I don't recall, no.  
 19 Q. At the same time -  
 20 A. That doesn't mean that I haven't seen it. I  
 21 don't recall it.  
 22 Q. I understand. And as other documents that we  
 23 have looked at today, it does bear the Bate designation  
 24 LABP which indicates that it was copied from Los Angeles  
 25 By-Products files and records. You're not in any way  
 saying it's not part of those records, correct?

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1 A. No.  
 2 Q. You want to go to -  
 3 A. It doesn't have our stamp on it, though, so I  
 4 don't know. I don't know whether it is part of our records  
 5 or not.  
 6 Q. The upper right-hand corner of the first  
 7 page -  
 8 A. Yeah.  
 9 Q. - there is a stamp. I don't know whether  
 10 it's L.A. By-Products stamp but it's somebody's stamp. Do  
 11 you recognize it?  
 12 A. No. Our stamp would be on the previous one,  
 13 it has receipt date, and it says L.A. By-Products.  
 14 Q. Yes.  
 15 A. Okay. That's Los Angeles By-Products' stamp.  
 16 There is no - it's not the same type of stamp.  
 17 Q. I understand what you are saying. So you are  
 18 not really sure about receipt of this document?  
 19 A. No, I can't be, no.  
 20 Q. I am going to go to the next document which is  
 21 206. And for the record, it is or appears to be a letter  
 22 to a Ms. Myra Hart from Allen Golden, dated September 10,  
 23 1987, re the SWAT Proposal for the Tuxford pit.  
 24 Have you seen this document before?  
 25 A. I don't recall this one either.

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1 Q. Go to the next document which is 207 and 208.  
 2 This appears to be a letter of September 14, 1987, to C.D.  
 3 VanGorden from Allen Golden.  
 4 Have you seen this document before?  
 5 A. Yes.  
 6 Q. And is it part of Los Angeles By-Products'  
 7 files and records?  
 8 A. It's stamped with the L.A. By-Products. I  
 9 would assume it was in our files.  
 10 Q. And right underneath the L.A. By-Products'  
 11 designation there is an annotation which reads, "File" and  
 12 it's underlined "old Tuxford pit." And then there is what  
 13 appears to be an initial. Do you recognize that writing?  
 14 A. Yes.  
 15 Q. Whose writing is it?  
 16 A. Claude VanGorden.  
 17 Q. And is old Tuxford pit the name of a file?  
 18 A. I would assume it would be one of the files.  
 19 Whether it's old or not, I don't know.  
 20 Q. I was going to ask you that, why would he call  
 21 that old Tuxford pit?  
 22 A. I don't know. It was a long time ago. I  
 23 don't know.  
 24 Q. And at the bottom of the page there are some  
 25 hand annotations which I cannot read. Can you read them?

## Page 456

1 A. Sure.  
 2 Q. What do they say?  
 3 A. CV, RMS, MRM.  
 4 Q. And does that mean something to you?  
 5 A. They are initials of people.  
 6 Q. MRM are your initials, are they not?  
 7 A. That's correct.  
 8 Q. And whose are the other initials?  
 9 A. CV, Claude VanGorden. RMS is Richard M.  
 10 Salisbury.  
 11 Q. And what's the significance of those initials  
 12 being at the bottom of the page?  
 13 A. Just that we were supposed to have at least  
 14 read this letter.  
 15 Q. Once you read it, would you all put your  
 16 initials at the bottom of the page, correct?  
 17 A. That's correct.  
 18 Q. I see. If you would go to the next document,  
 19 which is -  
 20 MR. MONTES: Just a second.  
 21 BY MS. RONGONE: Q. - which is Bate number lettered  
 22 209 to 210. Have you seen this document before?  
 23 A. Yes.  
 24 Q. And could you describe it for the record,  
 25 please?

## Page 457

1 A. Appears to be from California Regional Water  
 2 Quality Control Board, dated July 17th, to Mr.  
 3 VanGorden,  
 4 apparently.  
 5 (Inaudible discussion between the witness and  
 6 his counsel.)  
 7 BY MS. RONGONE: Q. You were in the middle of your  
 8 answer.  
 9 A. No. I just identified it.  
 10 Q. Okay. If you would refer to the bottom of the  
 11 page Bate numbered 209, there is a statement there quote:  
 12 "We have also received a letter from Mr. McAllister of your  
 13 company dated May 20, 1987, in which he misinterpreted the  
 14 conversation with our staff and stated your company would  
 15 not be responsible for submitting the SWAT proposal."  
 16 Do you recall the instance being described  
 17 there by Mr. Delacourt, the author of the letter?  
 18 A. No.  
 19 Q. And the initials at the bottom of the page, do  
 20 those once again indicate that you, Mr. Salisbury and Mr.  
 21 VanGorden all reviewed this letter?  
 22 A. Yes. There is some more scribble there too  
 23 that is not discernible there.  
 24 Q. Maybe they would show up on the original.  
 25 If you could refer to the next two pages, 211  
 to 212. Have you seen this document before?

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1 A. Yes.  
 2 Q. And could you describe it for the record?  
 3 A. A letter from Greenwald, Hoffman and Meyer to  
 4 Ms. Myra Hart, dated August 19, 1987.  
 5 Q. And what is the subject matter of the letter?  
 6 A. Re SWAT proposal Tuxford site.  
 7 Q. If you would refer to the second page of the  
 8 document which is Bate numbered 212, it's - at the top of  
 9 the page it states, and I am paraphrasing, that Los Angeles  
 10 By-Products has retained LeRoy Crandall and Associates and  
 11 submitted a SWAT proposal to the Regional Board for review.  
 12 This has only been done because the owner/operator, Mr.  
 13 Aadlen, has refused to submit a proposal, end quote.  
 14 Do you know anything about that particular  
 15 instance of Mr. Aadlen refusing to submit a SWAT proposal  
 16 or Los Angeles By-Products alleging that he had so refused?  
 17 A. Well, all I can speak on is generally.  
 18 They - Sam Aadlen thought it was our responsibility and  
 19 they thought it was his responsibility.  
 20 Q. And eventually it got settled?  
 21 A. Yes, uh-huh.  
 22 Q. Okay. That's why I am not taking up a lot of  
 23 time talking about this because your testimony is pretty  
 24 clear, but I did want to get the documents identified.  
 25 If you could go to the next document which is

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1 214 to 215. Have you seen this document before?  
 2 A. Yes.  
 3 Q. And could identify it for the record?  
 4 A. From California Regional Water Quality Control  
 5 Board, dated July 17th, 1987, to Mr. C. VanGorden.  
 6 Q. I'm sorry, this is the same document, is it  
 7 not, as 209 to 210?  
 8 MR. MONTES: I don't know.  
 9 MS. RONGONE: I think if you will compare them, you  
 10 will see that they are the same. So I don't want to waste  
 11 your time identifying it and discussing it a second time.  
 12 Q. If you could look at 216 to 217, and actually  
 13 218 to 219 is a duplicate of that. Have you seen this  
 14 document before?  
 15 A. Yes.  
 16 Q. And could you identify it for the record?  
 17 A. Apparently from Rich and Ezer, dated January  
 18 1, 1987 to Mr. Raymond K. Delacourt.  
 19 Q. Regarding the - regarding the Tuxford pit,  
 20 correct?  
 21 A. Aadlen slash Tuxford pit landfill.  
 22 Q. And do the initials in the lower left-hand  
 23 corner of the page Bates numbered 216 once again indicate  
 24 that certain persons had signed off on having read this  
 25 letter?

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1 A. Yes.  
 2 Q. Can you tell me whose initials we are looking  
 3 at?  
 4 A. MRM, RMS and CV and LM.  
 5 Q. Who is LM?  
 6 A. Sent copy to LM. That is Larry Meyer.  
 7 Q. I see. I don't have a lot of additional  
 8 questions about this document. This is 21.  
 9 THE REPORTER: Yes.  
 10 BY MS. RONGONE: Q. During the time that the  
 11 Tuxford Landfill was an operating landfill did Los Angeles  
 12 By-Products lease any part of the site to anyone else  
 13 besides - well, did Los Angeles By-Products lease any part  
 14 of the site?  
 15 A. I believe it did.  
 16 Q. Do you know to whom?  
 17 A. I am kind of guessing. It seems like it was  
 18 Valle or Valley or something like that.  
 19 Q. Does -  
 20 A. I am not sure.  
 21 Q. Does Le Valley Ready Mix ring a bell?  
 22 A. That sounds familiar, yes.  
 23 Q. Okay. Do you know of any other leases during  
 24 the time the landfill was an operating landfill, the  
 25 Tuxford Landfill that is?

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1 A. If memory serves me right, there may have  
 2 been a paving, a little tiny paving company. I am not  
 3 sure. I am thinking back over records that I have read  
 4 years ago.  
 5 Q. I understand.  
 6 A. I just don't know.  
 7 Q. Let's start here.  
 8 (Plaintiffs' Exh-MRM-22 marked for  
 9 identification.)  
 10 BY MS. RONGONE: Q. I have had placed before you a  
 11 document which has been marked MRM-22. Have you seen it  
 12 before?  
 13 MR. MONTES: Excuse me just for a second.  
 14 THE WITNESS: You had a question?  
 15 MS. RONGONE: That's quite all right.  
 16 Q. Have you had a chance to review MRM-22?  
 17 A. Yes.  
 18 Q. Have you seen it before?  
 19 A. I may have seen it many years ago. I don't  
 20 recall.  
 21 Q. For the record, it - it is a letter of May  
 22 29, 1958, addressed to Mr. J.E. Hooker from Los Angeles  
 23 By-Products signed by Richard Salisbury. At least that's  
 24 what the first three pages are; is that correct?  
 25 A. No.

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1 Q. How am I incorrect?  
 2 A. It's Robert Salisbury.  
 3 Q. I'm sorry. Is Robert Salisbury any relation  
 4 to Richard Salisbury?  
 5 A. Yes.  
 6 Q. What is the relation?  
 7 A. His father's brother was Richard Salisbury's  
 8 dad.  
 9 Q. Robert Salisbury's brother was Richard  
 10 Salisbury's father?  
 11 A. That's correct.  
 12 MS. RUSHTON: Cousin.  
 13 BY MS. RONGONE: Q. Robert Salisbury is Richard  
 14 Salisbury's cousin; is that correct?  
 15 A. First cousins, right, I believe so. Cousins  
 16 anyway.  
 17 Q. You recognize Mr. Robert Salisbury's  
 18 signature?  
 19 A. No.  
 20 Q. Do you have any doubt that that's his  
 21 signature on the page?  
 22 A. Yes.  
 23 Q. Why?  
 24 A. It's not bold enough nor big enough.  
 25 Q. Would it have been within the procedures of

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1 the company for someone else to sign on behalf of Mr.  
 2 Salisbury if he were not available?  
 3 A. I don't know.  
 4 Q. If you have you had a chance to review this  
 5 document you will see that it appears to document a lease  
 6 arrangement with Mr. J.E. Hooker for a portion of the  
 7 Tuxford pit.  
 8 Were you aware that Los Angeles By-Products  
 9 leased a portion of the Tuxford pit site to Hooker Paving  
 10 at any time?  
 11 A. I am after reviewing this.  
 12 Q. Okay. So there is no doubt in your mind that  
 13 this is a valid document from Los Angeles By-Products'  
 14 files, correct?  
 15 A. I would assume so, yeah.  
 16 Q. Okay. If you look at the very last page of  
 17 the document, it's a graphic or sketch of the Tuxford pit,  
 18 and in the lower left-hand corner of the pit designation  
 19 there is what appears to be a 200-foot by 200-foot section  
 20 lined off with the words "Hooker Paving" inside. Correct?  
 21 A. Yes.  
 22 Q. And that depicts the area that was leased to  
 23 Hooker Paving?  
 24 A. I would assume so.  
 25 Q. What did Hooker Paving do on the property?

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1 A. I don't know.  
2 Q. If you refer to number 5 on page 15 of the  
3 document, which is Bate number 56, number 5 refers to the  
4 use of the property for storage of materials and  
5 equipment.  
6 Do you have any other information regarding  
7 what type of materials or equipment Hooker Paving might  
8 have stored at the Tuxford pit?  
9 A. No.  
10 Q. Is there anyone at Los Angeles By-Products who  
11 would know more about that than yourself?  
12 A. No.  
13 MS. RONGONE: I have no further questions about  
14 that.  
15 MR. MONTES: Excuse us for a second.  
16 (Whereupon the witness and his counsel exited  
17 the room.)  
18 MS. RONGONE: Off record.  
19 (Break in proceedings.)  
20 (Plaintiff's Exh-MRM-23 marked for  
21 identification.)  
22 BY MS. RONGONE: Q. You have had placed in front of  
23 you a document which we have designated MRM-23. Have  
24 you seen this document before?  
25 A. I don't remember it.

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1 Q. Okay.  
2 For the record, it's on or appears to be on  
3 Los Angeles By-Products' stationery addressed to Mr. and  
4 Mrs. Sam Aadlen and signed by it appears to be a C.C.  
5 Sexton and Robert C. Salisbury, and then also signed off on  
6 by persons identified as Sam Aadlen and Dorothy Aadlen.  
7 Do you agree with that description?  
8 A. I would question Sam Aadlen's signature there,  
9 but yes, it appears to be.  
10 Q. And just out of curiosity, does Mr.  
11 Salisbury's signature appear accurate to you?  
12 A. Once again, it doesn't seem to be bold or big  
13 enough but that was a long time ago.  
14 Q. You don't dispute that this came from L.A.  
15 By-Products' files however?  
16 A. No.  
17 Q. Okay. If you have a chance to look through  
18 the document, I will represent to you that in general it's  
19 regarding the lease arrangements with Sam and Dorothy  
20 Aadlen. And the part I wanted to ask you about is number  
21 two on the first page of the letter which is Bate numbered  
22 130. Actually, it's the part in number one.  
23 Number one states: "A part of the demised  
24 premises covered by said lease and situated on Penrose west  
25 of Tujunga is presently under a month-to-month lease to one

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1 of our employees." And it goes on to discuss how they are  
2 handling that lease arrangement.  
3 Do you know anything about a lease arrangement  
4 between Los Angeles By-Products and one of its employees  
at  
5 the Tuxford Landfill?  
6 A. No.  
7 Q. So you have no information as to whether -  
8 what kind of activities that employee conducted on whatever  
9 portion of the property it was?  
10 A. That's correct.  
11 Q. I have no other questions about this  
12 document. Okay. Why don't we go off the record  
13 (Discussion held off the record.)  
14 MS. RONGONE: We are adjourning at this time. The  
15 deposition will be continued to a date to be set in the  
16 future and Los Angeles By-Products is going to see in the  
17 normal course, and hopefully by the end of the week, if  
18 it's going to be able to produce additional documents that  
19 we have identified during the course of the last couple of  
20 days of deposition or otherwise so that we can continue.  
21 MS. RUSHTON: And also I believe you wanted to get  
22 the addresses of the other parties that were mentioned  
23 earlier in the deposition.  
24 MS. RONGONE: Yes. Thank you. Not only are we  
25 looking for information regarding or additional documents,

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1 but we have requested specific addresses of individuals who  
2 have been identified during the deposition, and we are  
3 waiting for that information as well. And with that, the  
4 deposition is adjourned.  
5 (DEPOSITION ADJOURNED AT 3:17 P.M.)  
6 (DECLARATION UNDER PENALTY OF PERJURY ON THE  
7 FOLLOWING PAGE HEREOF.)  
8  
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1 DECLARATION RE DEPONENT'S READING,  
2 CORRECTING AND SIGNING DEPOSITION  
3  
4  
5 I hereby declare under penalty of perjury  
6 that the foregoing is my deposition under oath; are the  
7 questions asked of me and my answers thereto; that I have  
8 read same and have made the necessary corrections,  
additions

9 or changes to my answers that I deem necessary.

10  
11 IN WITNESS THEREOF, I hereby subscribe my  
12 name this day of , 1996.

13  
14

15 Michael R. McAllister

16  
17  
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1  
2 REPORTER'S CERTIFICATE  
3  
4 The undersigned Certified Shorthand Reporter  
5 licensed in the State of California does hereby certify:  
6 That the foregoing deposition was taken before  
7 me at the time and place therein set forth, at which time  
8 the witness was duly sworn by me;  
9 That the testimony of the witness and all  
10 objections made at the time of the examination were  
11 recorded stenographically by me and were thereafter  
12 transcribed, said transcript being a true copy of my  
13 shorthand notes thereof.  
14 In witness whereof, I have subscribed my name  
15 this 8th day of May, 1996.

16  
17

18 Jodi Hale, CSR, RPR  
Certificate No. 8638

19  
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**Look-See Concordance Report**

---  
 UNIQUE WORDS: 1,578  
 TOTAL OCCURRENCES: 7,256  
 NOISE WORDS: 384  
 TOTAL WORDS IN FILE: 22,351

**SINGLE FILE CONCORDANCE****CASE INSENSITIVE**

---  
 COVER PAGES = 4

---  
 INCLUDES ALL TEXT  
 OCCURRENCES

**DATES OFF**

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 INCLUDES PURE NUMBERS

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